



2026:AHC:5885

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 366 of 2026

Rahul Rajpoot

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Kishor Gupta, Shiv Shankar Gupta

Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Shiv Shankar Gupta, learned counsel for the applicant, Sri Keshari Nandan Singh, learned counsel for the informant and Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 90 of 2025, under Sections 103(1) B.N.S. 2023, Police Station Jalalpur, District Hamirpur, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about five hours and there is no explanation of the said delay caused.

5. Learned counsel for the applicant has further argued that it is the case of sudden provocation, as the deceased had gone to buy certain snacks and glasses from a shop nearby the liquor shop and the applicant is stated to be seated at the said snack shop. The case of sudden provocation has been converted to that of culpable homicide amounting to murder. The case does not go beyond 100 B.N.S., as all the injuries sustained by the deceased are on the abdomen only.

6. It is further argued that there are twenty-eight witnesses cited in the

charge sheet and not a single witness has been examined to date, as such, there is no likelihood of conclusion of trial in the near future. There is no criminal history of the applicant. The applicant is languishing in jail since 8.7.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that complete viscera of the deceased was smashed by the applicant as he assaulted him with danda and fist and the cause of death was the injuries sustained by him which was inflicted by the applicant.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in FIR and that it seems to be sudden provocation, as no premeditated effort has been made by the applicant and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Rahul Rajpoot**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) *The applicant shall not tamper with evidence during trial.*

(ii) *The applicant shall not pressurise/intimidate with the prosecution witnesses.*

(iii) *The applicant shall appear before the trial court on the date fixed.*

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 9, 2026\Shalini