



2026:AHC:6734

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 399 of 2026

Ajay

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shantanu, Vikram Singh Shrivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shantanu, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 54 of 2025, under Sections 115(2), 352, 351(3), 117(2), 103(1) of BNS, Police Station - Balabehat, District - Lalitpur**, during the pendency of trial.
4. As per prosecution story, the applicant along with co-accused persons is stated to have assaulted and caused head injuries to the informant's brother on 14.08.2025 at about 11:00 AM when he was sprinkling fertilizers in his field.
5. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is a case of sudden provocation. The case does not go beyond culpable homicide not amounting to murder.
6. Learned counsel has also stated that the FIR is delayed by about 11 hours and there is no explanation of the said delay caused. The deceased person has sustained three injuries, whereas the accused persons are stated to be two in number. There are general and omnibus allegations against all the accused persons including the applicant. No dying declaration of the deceased was recorded by the I.O.

7. Learned counsel has next contended that the applicant is languishing in jail since 28.08.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, delay in lodging the FIR and also considering the fact that there being general and omnibus allegations to all the accused persons including the applicant, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Ajay**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

12. 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.

January 12, 2026
Siddhant

(Krishan Pahal,J.)