



2026:AHC:6717

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 438 of 2026

Azharuddin

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Amit Kumar Gaur, Karmendra Kumar
Counsel for Opposite Party(s)	: G.A., Sikandar Khan

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Amit Kumar Gaur, learned counsel for the applicant and Sri Sikandar Khan, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 760 of 2025, under Sections 191(2), 191(3), 190, 115(2), 351(2), 103(1), 109(1) of BNS and Sections 3/25/27 of Arms Act, Police Station - Khurja Nagar, District - Bulandshahar, during the pendency of trial.**
4. As per prosecution story, the applicant along with 18 other co-accused persons is stated to have assaulted and caused grievous injuries to five persons in all of which one succumbed to injuries. The applicant is stated to have carried a gun with him.
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 also argued that no firearm injury has been sustained by any of the injured persons and it is nowhere mentioned that the applicant has used the gun carried with him.
6. Learned counsel has also stated that there are general and omnibus allegations against all the accused persons. The applicant is languishing in jail since 23.08.2025, 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.

7. Per contra, learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that the butt of the gun used by the applicant was found broken which indicates that the applicant assaulted the injured persons with the butt of the gun. However, no statement of any injured person or witness has been brought on record to substantiate the allegation that the applicant had, in fact, struck any of the injured persons with the butt of his gun.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that there is nothing on record to suggest that the applicant assaulted the injured persons with the butt of the gun, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Azharuddin**, 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.

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.

January 12, 2026
Siddhant

(Krishan Pahal,J.)