



2026:AHC:5890

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42037 of 2025

Divyansh Rai @ Aashish Rai

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Kumar Rai, Sheshadri Trivedi
Counsel for Opposite Party(s) : G.A., Vijay Kumar Rai

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Sheshadri Trivedi, learned counsel for the applicant, Shri Ajay Singh, learned AGA for the State, Shri Jayant Rai under the authority of Shri Vijay Kumar Rai, learned counsel for the first informant and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Divyansh Rai @ Aashish Rai, seeking enlargement on bail in Case Crime No. 163 of 2025, under Sections 109, 352, 351 (3), 3 (5) of the Bharatiya Nyaya Sanhita, 2023 and Section 3/25 of Arms Act, Police Station Kopaganj, District Mau, during the pendency of the trial before the Court below.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 9.6.2025. Learned counsel for the applicant submits that as per prosecution case, role of firing has been assigned to the applicant. There is false recovery of .315 bore pistol from the possession of the applicant and injuries received on the person of injured cannot be received from .315 bore Tamancha. Witness Abhishek Rai in his statement has said that incident has been recorded in the CCTV footage, but the investigating officer did not collect the CCTV footage. Thus, there is lacuna in the prosecution investigation. Charge sheet in this case has already been filed on 13.8.2025 without there being any ballistic report. He has no criminal antecedent and there is no likelihood of his fleeing from course of

justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is ***allowed***.

Let the accused-applicant, **Divyansh Rai @ Aashish Rai**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 9, 2026

Ravi Prakash