



2026:AHC-LKO:19427

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1371 of 2026

Ratnesh Kumar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Kailash Nath Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant, learned AGA for the State and perused the record.

It is alleged in the prosecution case that on 12.01.2026 the informant, while posted on duty at PRV-5120 in District Gonda under Police Station Khodarey along with driver H.G. Ram Bahal Maurya, received telephonic information from Ratnesh at about 8:00 a.m. Upon the said information, the informant along with the motorcycle driver went to the residence of Ratnesh to verify the same. It is further alleged that Ratnesh became agitated for the alleged delay in reaching the spot and started abusing the informant and attempted to strangle him by tying a muffler around his neck, while his brother Kaushal Kumar (applicant) allegedly caught hold of the informant's hands. The informant was, however, rescued by H.G. Ram Bahal Maurya. Thereafter, the informant informed the Station House Officer, who reached the spot with the police force, but by that time the accused persons had fled from the place of occurrence.

Learned counsel for the applicant submits that although the alleged injuries of the complainant were medically examined at the local CHC and three injuries have been reported on the body of the injured, all the said injuries are simple in nature. It is further submitted that the prosecution story as narrated in the FIR stands falsified by the injury report, inasmuch as the injuries are stated to have been caused by a hard and blunt object, which is inconsistent with the prosecution allegation of strangulation by a muffler. It

is also contended that neither the date and time of the medical examination nor the duration of the alleged injuries has been mentioned in the injury report.

It is further submitted that the complainant is a police constable and, due to his influence, such an injury report has been incorporated by the Investigating Officer in the case diary. The said injury report is a fabricated document on the basis of which the applicant is being prosecuted. It is submitted that although role of the applicant has been assigned to cause strangulation by *mufflar*, however, the injury report and statement of the doctor do not corroborate with the statement of the injured. The applicant has no criminal antecedent. The applicant is languishing in jail since 22.01.2026.

Learned counsel for the applicant further submits that the co-accused Kaushal Kumar has been enlarged on bail by this Court vide order dated 12.03.2026 passed in criminal misc. bail application No. 1275 of 2026. Learned counsel for the applicant seeks parity with the order of the co-accused.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

Having considered the rival submissions and upon perusal of the record, particularly the fact that the charge-sheet has already been filed; the applicant has no criminal antecedents; the manner in which the injury report has been prepared without mentioning the date and time of the medical examination of the injured or the duration of the injuries; and the fact that co-accused Kaushal Kumar has been enlarged on bail and the applicant is languishing in jail since 22.01.2026, this Court finds it to be a fit case for enlarging the applicant on bail.

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

Let the applicant ***Ratnesh Kumar***, involved in Case Crime/FIR No. 10/2026,

Under Sections 109(1), 352 and 132 BNS, Police Station Khodarey, District-Gonda, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

March 17, 2026
R.C.