



2026:AHC-LKO:22476

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2211 of 2026

Vijay @ Durgesh @ Bhullu

.....Applicant(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sachin Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned A.G.A for the State and perused the record.

2. By means of this application, the applicant, who is involved in Case Crime No. 51 of 2025, under Sections 105, 115(2), 117(2), 351(3), 351 B.N.S, Police Station Ramganj, District- Amethi is seeking enlargement on bail during the trial.

3. The brief facts of the case are that an FIR dated 14.05.2025 has been lodged under Sections 115(2), 352 and 351(3) of the BNS, 2023 against four named accused persons, including the present applicant, alleging therein that the informant was assaulted by all the four accused persons with lathi and danda, as a result of which the informant sustained injuries on his head. It is further alleged that the accused persons, including the present applicant, also assaulted the wife of the informant and one Arjun.

4. Learned counsel for the applicant has submitted that a general role has been assigned to all the accused persons and no specific role has been attributed to the present applicant. It is further submitted that the dispute arose regarding the flowing of water from a hand pump, which is also evident from the statements of the eyewitnesses. No recovery has been effected from the present applicant.

5. It is further submitted that the co-accused persons, namely Abhishek Kumar and Jang Bahadur have already been granted bail by this court vide order dated 03.12.2025, passed in Criminal Misc. Bail Application No. 71890 of 2025. Another co-accused, namely Putti Lal has also been granted bail vide order dated 16.01.2026 passed in Criminal Miscellaneous Bail Application No. 11760 of 2025 on the ground of parity with the aforesaid co-accused persons. The order dated 16.01.2026 is quoted hereinbelow.

" 1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.

2. The present bail application has been filed by the applicant seeking bail in Case Crime No. 51 of 2025, under Sections 105, 115(2), 117(2), 351(3), 352 B.N.S., Police Station-Ramganj, District-Amethi.

3. While pressing the application for bail, learned Counsel for the applicant submitted that applicant has been falsely implicated in the present case.

4. It is stated that co-accused namely Abhishek Kumar and Jang Bahadur have already been enlarged on bail by this Court vide order dated 03.12.2025 passed in Criminal Misc. Bail Application No.7189 of 2025. The order dated 03.12.2025 passed in Criminal Misc. Bail Application No.7189 of 2025 reads as under:-

"1. Heard learned counsel for the applicants, learned AGA and perused the record.

2. The applicants seek enlargement on bail in FIR No.51 of 2025, under sections 105, 115(2), 117(2), 351(3), 352 BNS, P.S. Ramganj, District Amethi.

3. Learned counsel for the applicants argues that in terms of FIR it was alleged that informant was beaten by all the accused named in the FIR and when the family members tried to intervene they were also beaten up which resulted in substantial injuries on the head of the informant. Subsequently the informant died during treatment. Post mortem report indicates presence of contusion over the head, lacerated wounds on the lower lip and knee, contusion over right chest and right arm and left hand was found dislocated. The statement of eye witness is on record wherein he has stated that on account of flowing of water from handpump a petty dispute arose because of which altercation took place and the accused had beaten the informant which resulted in his death. No specific role was assigned to the applicants. No recovery was affected from the applicants.

4. Learned AGA has opposed the bail application.

5. Considering the general role assigned to the applicants, however, without commenting upon the merits of the case, the applicants who are in jail since 17.5.2025 and 5.6.2025 and have explained their criminal history are entitled to be enlarged on bail. In view thereof, the application is allowed.

6. Let the applicants Abhishekh Kumar and Jang Bahadur be released on bail in aforesaid FIR number on their furnishing personal bonds with two sureties of Rs.20,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicants shall execute a bond to undertake to attend the hearings;

(b) The applicants shall not commit any offence similar to the offence of which they are accused or suspected of the commission; and

(c) The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence."

5. *It is further stated that the applicant, having no criminal history, is in judicial custody since 05.06.2025. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty of bail and the possibility of conclusion of trial in near future is extremely bleak. In these circumstances, the applicant is entitled to be released on bail.*

6. *Learned A.G.A. opposed the prayer for grant of bail but he could not dispute the above contentions made by the learned counsel for the accused-applicant.*

7. *Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties including which are related to allegations made in the FIR as also that co-accused persons have already been released on bail by this Court as also chance of conclusion of trial in near future and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.*

8. *Let the applicant-Putti Lal be released on bail in aforesaid Case Crime, on his furnishing personal bond to the satisfaction of the court concerned forthwith. Applicant is also directed to furnish two reliable sureties, out of which one shall be the family member of the accused-applicant each of the like amount to the satisfaction of the court concerned subject to following conditions"*

6. The copies of the said bail orders have already been filed as Annexure Nos. 20 and 21 to the present bail application. It is contended that the applicant is also entitled to be released on bail, on the ground of parity, particularly in light of bail granted to co-accused Abhishek Kumar, Jang Bahadur and Putti Lal as similar allegation had been levelled against them and they have already been granted bail by this court.

7. It is further submitted that the applicant has no criminal history and is in jail since 26.05.2025. It is also submitted that there is no likelihood of the applicant absconding or misusing the liberty of bail, if released.

8. Learned A.G.A. has opposed the bail application but could not dispute the aforesaid submissions made by learned counsel for the applicant.

9. Considering the facts and circumstances of the case, the material available on record and the nature of allegations, it appears that the allegations against the present applicant are general and identical to those levelled against the co-accused persons namely Abhishek Kumar, Jang Bahadur and Putti Lal, who have already been granted bail by this Court, thus, without expressing any opinion on the merits of the case, the applicant has made out a case for grant of bail on the ground of parity.

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

11. Let the applicant **Vijay @ Durgesh @ Bhullu** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.
- (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
- (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
- (vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
- (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

12. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

13. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

March 31, 2026
DiVYa

(Manish Kumar,J.)