



2026:AHC:17739

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2589 of 2026

Ankit Thakur Alias Shivanshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar, Mohit Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Mohit Singh, learned counsel for the applicant, Sri Prince Srivastava, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.480 of 2025, under Sections 103(1), 3(5) B.N.S., Police Station- Katghar, District- Moradabad, during the pendency of trial.

PROSECUTION STORY:

4. The informant was told by one Nikhil that his nephew has been assaulted by the applicant and co-accused person Himanshu Singh @ Manu Thakur on 1.8.2025 at about 10:30 p.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed by about four hours and there is no explanation of the said delay caused.

6. The informant is not an eye-witness. The eye-witness has been falsely roped in subsequently as he did not want to given any ocular account of the incident.

7. The said witness Nikhil had even volunteered to the Investigating Officer and the court concerned that his statement U/s 183 BNSS may be recorded, but the same has not been recorded and the Investigating Officer has falsely recorded his statement that too after a delay of two and a half months, whereby he has stated that both the accused persons assaulted the deceased person with knife.

8. Even the statement of said witness does not corroborate the postmortem report as only one stab wound has been observed on the chest of the deceased person, as such, it is a clear cut case of false implication.

9. A false recovery of knife has been shown at the pointing out of the applicant and co-accused person. Although the case U/s 4/25 Arms Act has been foisted on the co-accused only, which implies that applicant is not the accused who stabbed the deceased person. The prosecution is not sure as to who had inflicted the stab wound to the deceased person.

10. Another witness Om Prakash has been roped in by the prosecution to be an eye-witness, whose statement has been recorded after a delay of one and a half months i.e. on 16.9.2025, which cannot be taken into account. The name of said witness Om Prakash was nowhere mentioned in the FIR or during investigation.

11. No grounds of arrest were given to the applicant at the time of his arrest, as such, there is no compliance of Article 22(1) of the Constitution of India and Section 47 of BNSS as per the remand sheet, which has already been filed with the bail application.

12. Four more witnesses have been garnered by the prosecution, who have simply stated that they had seen a brawl with the deceased person by some unknown persons in an inebriate state. No test identification parade has been taken up in light of Section 7 of Bharatiya Sakshya Adhiniyam.

13. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 3.8.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/OPPOSITE PARTY:

14. The bail application has been opposed but the submissions raised by the learned counsel for the applicants could not be disputed.

CONCLUSION:

15. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

16. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another*, (2022) 10 SCC 51**.

17. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement*, 2024 INSC 595**, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

18. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

19. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that there is only one injury sustained by the deceased person and two persons are stated to have stabbed the deceased person, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

20. Let the applicant- **Ankit Thakur Alias Shivanshu**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

22. 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.

(Krishan Pahal,J.)

January 27, 2026
Vikas Verma