



2026:AHC:125507

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 17191 of 2026

Vikrant Alias Vikkey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shakil Ahmad
Counsel for Opposite Party(s)	:	G.A., Raj Kumar Singh

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Shakil Ahmad, learned counsel for the applicant, Sri Raj Kumar Singh, learned counsel for the first informant and Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 237 of 2025, under Sections 103(1), 191(2), 351(3), 352, 115(2), 109(1), 3(5) of BNS, Police Station- Haldaur, District Bijnor, during the pendency of the trial.

3. As per prosecution story, the FIR was lodged on 09.10.2025 with the allegation that the applicant along with two unknown persons had beaten the first informant, deceased Abhishek and Himanshu Kumar because of prior enmity. Subsequently, the deceased Abhishek succumbed to his injury.

4. Learned counsel for the applicant submitted that bare perusal of the FIR as well as statements of first informant and other injured witness Himanshu, it is clear that general allegations have been made against five accused persons for beating them with lathi and rod. However, postmortem report shows that he received single head injury which was found to be fatal and no role has been assigned to the applicant to cause that injury, even single injury caused to Himanshu as well as first informant, was found to be simple in nature. It is further submitted that on pointing out of the applicant, one iron pipe has been shown to be recovered without any blood stain. It is further submitted that co-accused Prashant @ Monu, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No.13485 of 2026 vide order dated 23.04.2026. Therefore, the applicant is also entitled to be released on bail on the

ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 10.10.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant and A.G.A. have vehemently opposed the prayer for bail and submitted that motive has been assigned to the present applicant. Therefore, the role of the applicant is distinguishable but could not dispute the parity regarding the role of the applicant as well as nature of offence.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Vikrant alias Vikkey**, involved in the aforementioned 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, with the following conditions:-

i. 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.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the

bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

June 4, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)