



2026:AHC:125081

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18124 of 2026

Anil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Upadhyay,
Shailendra Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 6

HON'BLE ANIL KUMAR-X, J.

1. Heard learned counsel for the applicant as well as Shri K.K. Gupta, learned Additional Government Advocate for the State.

2. The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail in Case Crime No. 4 of 2026, Under Sections 109(1), 3(5) B.N.S., Police Station- Kanth, District-Moradabad, during the pendency of trial.

3. Learned counsel for the applicant submitted that injured Smt. Pushpa was allegedly shot by two unknown persons, who were hired by her husband, Hariom. The First Information Report was lodged against Hariom. It was further submitted that the statement of injured Pushpa was recorded in the hospital, wherein she alleged that the present applicant, who happens to be the maternal cousin of accused Hariom, was the person who had fired the shot upon her. He submitted that the applicant has been falsely implicated and that the injuries noted by the doctor do not correspond to a firearm injury. It was further submitted that accused Hariom, against whom the principal allegation has been levelled, has already been granted bail by the Sessions Court. However, the bail application of the present applicant was dismissed on the basis of the statement of

injured Pushpa. The applicant is languishing in jail since 16.4.2026. It was contended that in the event he is enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

4. Per contra, Sri K.K. Gupta, learned A.G.A., submitted that the statement of the injured was recorded at the time when she was admitted to the hospital. She specifically stated that the present applicant, who is the maternal cousin of accused Hariom, was the person who had fired the shot upon her. The said fact clearly indicates that the applicant is a relative of the main accused Hariom, and hence there is little possibility that he was falsely identified by the injured.

5. Heard learned counsel for the parties and perused the injury report.

6. The doctor has noted blackening around the injury found on the chest of injured Pushpa. However, he has also stated that no bullet was found in the X-ray report. There is no mention even of any exit wound in the injury report.

7. Having considered the submissions advanced by learned counsel for the parties, without expressing any opinion on the merits of the case, the bail application is allowed.

8. Let the applicant- **Anil Kumar** involved in the aforesaid case 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 that :-

(i). The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii). The applicant shall cooperate in the trial 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.

9. In case of breach of any of the above conditions, the court concerned shall be at liberty to take appropriate coercive action for appearance of the accused or to cancel the bail granted. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

June 3, 2026

KJ

(Anil Kumar-X,J.)