



2026:AHC:125318

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18304 of 2026

Aman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Sharma, Rahul Kumar Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Ajay Kumar Sharma, learned counsel for the applicant and Sri Amit Kumar Dubey, 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. 148 of 2025, under Sections 103(1), 352 BNS, Police Station Talgram, District Kannauj, during the pendency of the trial.

3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that as per the FIR the applicant has been assigned the role of assault by hard and blunt object i.e. iron rod on the brother of the first informant Umesh Chandra as a result of which he died. It is further submitted that as per the FIR the first informant and his son were present at the place of occurrence when the said incident took place, however, the first informant appeared before the trial Court as PW-1 and he has stated in his testimony that he reached the place of occurrence 10 minutes after the alleged incident was over whereas PW-2 son of the first informant has also appeared before the trial Court and stated that it was wrong to say that the applicant assaulted his uncle in front of him. It is further submitted that the applicant is having criminal history of one case relating to the offences under Sections 323, 504, 506 IPC. The applicant has been languishing in jail since

3.6.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts, however, it is submitted that during investigation one eyewitness Ravendra has stated that he was present at the place of occurrence and he saw the applicant assaulting the deceased with iron rod and the first informant Shiv Raj Singh was present.

5. In reply, learned counsel for the applicant has submitted that the first informant and his son were present, however, both of them denied that the incident took place in front of them. It is further submitted that even the recovery of weapon of offence i.e. iron rod has also been denied to have been made in the presence of witnesses Shiv Raj Singh and Arjun Singh.

6. As per FIR, the applicant is said to have assaulted the deceased (brother of the first informant) by iron rod as a result of which the deceased Umesh Chandra died. As per post-mortem report of the deceased, cause of death has been shown as ante-mortem injuries as the deceased received four injuries on his person. The first informant Shiv Raj Singh and his son Arjun Singh have appeared as PW-1 and PW-2 and PW-1 in his testimony has stated that he reached the place of occurrence ten minutes after the alleged incident took place whereas PW-2 has stated that it was wrong to say that the applicant assaulted his uncle in front of him. The applicant is having criminal history of one case relating to the offences under Sections 323, 504, 506 IPC and he has been languishing in jail since 3.6.2025.

7. 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.

8. Accordingly, the present application is **ALLOWED**.

9. Let the applicant- **Aman** 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.

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

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. 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.

13. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal 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.

(Jitendra Kumar Sinha,J.)

June 4, 2026
Abhishek