



2026:AHC:125058

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18026 of 2026

Neeraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Kumar, Vinod Kumar Yadav
Counsel for Opposite Party(s) : G.A., Sanjay Pandey

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Vinod Kumar Yadav, learned counsel for the applicant, Sri Sanjay Pandey, learned counsel for the first informant, 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. 69 of 2026, under Sections 191(2), 190, 103(1) of Bhartiya Nyaya Sanhita (B.N.S.), 2023, Police Station Naini, District Prayagraj, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that as per the prosecution story, FIR was lodged against 12 persons including the applicant with the allegation that all the accused persons were part of the marriage procession of groom side and some of them parked their vehicle in the adjacent plot which belonged to the deceased and on objection by the deceased, the co-accused Sunil started threatening him then other co-accused also came on the spot and started beating the deceased, on hearing the cry the other villagers came to rescue the deceased then the co-accused Sunil and Ankit threw their sariya and ran away. Subsequently, the deceased was admitted in the hospital but he succumbed to his injuries.
4. Learned counsel for the applicant has submitted that as per the postmortem report, deceased received two lacerated wounds on vital part which were found to be fatal and no specific role has been assigned to the

applicant for causing that injury and no recovery of any weapon has been made on pointing out of the applicant, he has been falsely implicated merely on the basis of apprehension and doubt without there being any incriminating material against the applicant. It is further submitted that co-accused Banti Kanaujiya has already been released on bail by this Court in Criminal Misc. Bail Application No. 18577 of 2026 order dated 27.05.2026. Therefore, the applicant having an identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed against the present applicant, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 23.04.2026. 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 A.G.A. as well as learned counsel for the first informant has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

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** 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 bail application is **allowed**.

7. Let the applicant- **Neeraj** 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. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is 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.

(Arun Kumar Singh Deshwal,J.)

June 3, 2026

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