



2026:AHC:128497

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19831 of 2026

Surendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mayank Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 61 of 2026, under Sections 115(2), 103(1), 3 (5), 191(2), 191(3) of B.N.S., Police Station- Charwa, District- Kaushambi.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that five persons Ravendra, Surjeet, Ramlal, Ramanand and Ajeet, were nominated in the F.I.R. The applicant was not named in the F.I.R. dated 02.04.2026, lodged by the informant Prem Kumar. The informant Prem Kumar, is eye-witness and injured of the present case, but he did not take name of the applicant either in the F.I.R. or in his statement recorded under Section 180 of B.N.S.S. It is further contended that the applicant was named in the present case during course of investigation when statement of alleged eye-witness Bhaiyan, was recorded on 03.04.2026, wherein he added name of four other persons including the applicant and a general role of assault has been attributed to the accused. It is further submitted that a country-made pistol was allegedly recovered from the possession of the applicant, but there is no gunshot injury on the body of the deceased. The medical evidence does not corroborate the ocular version and the applicant has been nominated in the present case being real brother of the co-accused Ravendra. It is further contended that case of the applicant is distinguishable from the case of other

co-accused who have been nominated in the F.I.R. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 06.04.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

5. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

6. Accordingly, the bail application is **allowed**.

7. Let the applicant- Surendra, who is involved in the 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 file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./ 84 B.N.S.S.,

may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

9. 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.

(Vivek Kumar Singh,J.)

June 22, 2026

A.P. Pandey