



2026:AHC:127325

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19789 of 2026

Ajmal And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hasan Parvej, Hasan Sardar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicants and learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No.220 of 2026, under Sections 109(1) & 3(5) B.N.S., Police Station- Nawabganj, District- Bareilly.
3. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the present case. They were allegedly arrested on the spot, but no weapon was recovered from their possession or at their instance. A country-made pistol and two cartridges were recovered from co-accused Mohd. Yaseen Khan, who sustained a firearm injury in his leg during the police encounter. Sub-Inspector Yogendra Singh sustained a firearm injury on his arm, however, the said injury was allegedly attributed to co-accused Mohd. Yaseen Khan. The case of the present applicants is distinguishable from that of the aforesaid co-accused. The criminal history of the applicants has been well explained in paragraph 14 of the affidavit filed in support of the bail application. Learned counsel for the applicants further submits that the applicants have been languishing in jail since 20.04.2026 and, in case they are released on bail, they will not misuse the liberty of bail and will cooperate in the trial.
4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicants and submitted that there is ample evidence against the applicants

regarding their involvement in the offence, therefore, they are not entitled to be released on bail.

5. I have considered the rival submissions of the parties and perused the record.

6. No weapon was recovered from the possession of the applicants at the time of their arrest by the police party. The role of causing firearm injury is attributed to co-accused Mohd. Yaseen Khan, and there is no supplementary medical report, suggesting the nature of injuries, sustained by Sub-Inspector Yogendra Singh.

7. 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 applicants, explanation of criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicants have made out a case for grant of bail.

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

9. Let the applicants- **Ajmal** and **Abjal**, who are involved in the aforementioned case crime be released on bail on their furnishing 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 applicants shall file an undertaking to the effect that they 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 applicants shall remain present before the Trial Court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against them under Section 229-A IPC/ 269 B.N.S.

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

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

(iv) The applicants 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 applicants are 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 them in accordance with law.

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

11. It is made clear that observations made in granting bail to the applicants 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 15, 2026

Radhika