



2026:AHC:129070

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16031 of 2026

Rajesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Surya Bhan Yadav, Aushim Luthra,
Harishchandra Yadav, Utkarshni Singh
Counsel for Opposite Party(s) : Ravi Shankar Tripathi, G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Rejoinder affidavit filed today is taken on record.
2. Heard learned counsel for the applicant, learned counsel for the first informant, learned A.G.A. for the State of U.P. and perused the record.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.102 of 2025, under Sections 109(1), 191(2), 191(3), 115(2), 352, 351(3), 117(2), 118 (1) of B.N.S., Police Station- Usawan, District- Budaun.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. As per the version of the FIR, the alleged incident took place on 25.06.2025, whereas the FIR was lodged on 01.07.2025. Subsequently, the first informant claimed that the incident had, in fact, taken place on 24.06.2025. It is further contended that the delay in lodging the FIR has not been properly explained, and a general role has been attributed to the applicant. When the statements of the injured witnesses, namely, Janvesh Yadav and Raman Pal, were recorded during the course of investigation, they stated that the head injury sustained by Janvesh Yadav was caused by co-accused Ravesh. No specific role has been attributed to the applicant. It is further contended that the applicant's brother also lodged an FIR on 16.07.2025 in respect of the same incident dated 24.06.2025, which was registered as Case Crime No. 110 of 2025, Police Station Usawan, District Budaun. It is further submitted that one person from the side of

the applicant, namely, Karmveer (the father of the applicant), sustained serious injuries. As per the X-ray report, Karmveer suffered a fracture of the 10th rib. Apart from the rib fracture, he also sustained a fracture on the right side of the parietal bone.

5. It is further contended by the learned counsel for the applicant that the present case is a cross-case and that persons from both sides sustained injuries in the incident dated 24.06.2025. It is the trial court which will determine as to which party was the aggressor. The applicant has no criminal history to his credit. Learned counsel for the applicant further submits that the applicant has been languishing in jail since 27.10.2025 and that, in case he is released on bail, he will not misuse the liberty of bail and will cooperate in the trial.

6. Per contra, learned A.G.A. and learned counsel for the first informant have 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. Learned counsel for the first informant further contended that the bail application of identically situated co-accused Brajkishore @ Bhamarpal @ Bhawarpal had been rejected by a Co-ordinate Bench of this Court vide order dated 09.04.2026 passed in Criminal Misc. Bail Application No. 12087 of 2026. However, he could not dispute the fact that an FIR had been lodged by the applicant's side against the informant.

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 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.

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

9. Let the applicant- **Rajesh Kumar**, 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.

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 applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

12. However, it is expected by this Court that the trial of the present case shall be concluded by the trial court, as expeditiously as possible, without granting any unnecessary adjournments to either of the parties.

(Vivek Kumar Singh,J.)

June 24, 2026

Radhika