



2026:AHC:127305

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20470 of 2026

Nasiruddin @ Nasiru And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghvendra Prakash, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Raghvendra Prakash, learned counsel for the applicants and the learned A.G.A. for the State of State of U.P.

2. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No.0036 of 2026, under Sections 103(1), 115(2), 352, 351(2), 3(5), 190, 191(2) B.N.S., Police Station- Sarsawa, District-Saharanpur.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in the present case and have no connection with the alleged offence. Applicant No. 1 has been named in the FIR along with three other co-accused persons, whereas Applicant No. 2 is not named in the FIR. The FIR was initially lodged under Sections 115(2), 352, and 351(2) of the Bharatiya Nyaya Sanhita, 2023 (corresponding to Sections 323, 504, and 506 of the Indian Penal Code). A general allegation of assault has been levelled against Applicant No. 1 and the three other accused persons in the FIR. No specific role has been assigned to any of the accused, nor has any weapon been attributed to them in the FIR dated 01.02.2026. The medical examination report of the injured, Aahad, revealed two injuries on his person: (i) traumatic swelling on the right side of the forehead above the right eyebrow, with an underlying fracture of the right fronto-parietal bone; and (ii) a contusion over the dorsal aspect of the right side of the back of the skull. The injured subsequently succumbed to his injuries on 01.02.2026. The post-mortem examination was conducted on 02.02.2026, during which seven injuries were noted. According to the post-mortem report, the cause of death was shock and haemorrhage resulting from an ante-mortem head injury and it is no where stated by witnesses as to who was the author of the head injury. Applicant No. 2 and co-accused Gayyur were implicated during the course of investigation. No weapon has been recovered at the instance or on the pointing out of either of the applicants. Learned counsel for the applicants next contends that the

similarly situated co-accused, namely, Gayuur has been granted bail by a Co-ordinate Bench of this Court vide order dated 21.5.2026 passed in Criminal Misc. Bail Application No. 17559 of 2026. He further contends that the criminal antecedents of the applicants have been well explained in paragraph nos. 20, 21 and 22 of the bail application and they are in jail since 8.2.2026.

4. Learned A.G.A., on the other hand, opposed the prayer for grant of bail, however, he could not dispute the fact that similarly situated co-accused, namely, Gayuur has been granted bail by a Co-ordinate Bench of this Court.

5. I have considered the rival submissions made by the learned counsel for the parties and perused the material brought on the record.

6. In view of the entire facts and circumstances of the case, especially taking into account the fact that the similarly situated co-accused, namely, Gayuur has been granted bail by a Co-ordinate Bench of this Court and the same order has not been set aside or stayed by the Hon'ble Supreme Court, and the applicants have been languishing in jail since 8.2.2026, I deem it appropriate to enlarge the applicants on bail.

7. The bail application is **allowed**.

8. Let the applicants- **Nasiruddin @ Nasiru and Naveed**, who are involved in the aforementioned case crime be released on bail on their 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 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 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 applicants misuses 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. If in the opinion of the Trial Court absence of the applicants 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 them in accordance with law.

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

10. 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.

June 15, 2026

Fahad

Vivek Kumar Singh,J.)