



2026:AHC-LKO:19637

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1534 of 2026

Chhail Bihari

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Uma Kant Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The accused-applicant seeks bail in Case Crime No.321 of 2025 under Section 191(3), 352, 351(3), 115(2), 109(1) BNS, Police Station Chhapia, District Gonda.

In the prosecution case, it is alleged that on 03.09.2025 at around 9:30 a.m., when construction was being carried out on the land, the named accused persons, while hurling abuses, assaulted Ramakant Mishra, Amit Kumar, and Sugriv Mishra with lathi and danda.

Learned counsel for the applicant submits that the complainant, while giving statement under Section 161 Cr.P.C., has made material improvements and specific allegation of assault by a spade on the head of the complainant, Ramakant Mishra, has been attributed to the co-accused Brijesh Kumar, whereas only general allegations have been made against the other accused persons. It is further submitted that four persons sustained injuries in the incident. Ramakant Mishra sustained a grievous injury in the form of injury no. 1, an incised wound on the occipital region, while the remaining three injured persons sustained simple injuries. The allegations against the present applicant are general in nature, and the role of causing injury no. 1 to Ramakant Mishra has been specifically assigned to the co-accused Brijesh Mishra.

It is further submitted that from the side of the applicant, three persons also sustained injuries, and Brijesh Mishra suffered a grievous injury, i.e. injury no. 1 on the scalp/occipital region.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. has opposed the bail prayer of the applicant and submit that cross F.I.R.s have been registered by both sides, and injuries have been sustained by persons on both sides.

I have considered the arguments advanced by learned counsel for the parties as well as perused the record.

Prima facie, from the perusal of the statement of the injured Ramakant Mishra, the specific role of causing injury no. 1 to him is assigned to Brijesh Mishra. Except for injury no. 1 to Ramakant Mishra, the rest of the injuries sustained by him and the other injured persons are simple in nature, and only a general role has been attributed to the present applicant in causing such injuries.

Considering the facts that the grievous injury sustained by the injured persons, particularly Brijesh Mishra (injury no. 1) has not been explained in the prosecution case; only a general role is assigned to the applicant in causing simple injuries; the applicant has been in jail since 17.09.2025, and charge-sheet in this case has already been filed and the applicant has explained criminal history of one case in paragraph 19 of the bail application, this Court finds it to be a fit case for enlarging the applicant on bail.

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

Let the applicant ***Chhail Bihari*** involved in the aforesaid FIR/Case crime number, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Karunesh Singh Pawar,J.)

March 18, 2026

R.C.