



2026:AHC:128629

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21177 of 2026

Shahjahan Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	A.Z. Khan
Counsel for Opposite Party(s)	:	Abou Sofian Usmani, G.A.

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri A.Z. Khan, learned counsel for the applicant, Sri A.S. Usmani, learned counsel for the informant 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. 93 of 2026 under Sections 191(2), 191(3), 115(2), 352, 109(1), 125, 324(4) and 351(3) of B.N.S., 2023, Police Station-Dildarnagar, District-Ghazipur.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that general and vague allegations have been leveled against the applicant. As per the version in the FIR, co-accused Mojammil Khan armed with iron rod, co-accused Jamal Khan armed with *Lathi*, co-accused Salman Khan armed with axe, co-accused Afzal Khan armed with iron rod caused injuries to the injured Ajeem Ahmad Khan, Faheem Khan and Gufran Khan. No specific weapon has been attributed to the applicant and it is alleged that stones were pelted by the applicant and other co-accused. It is further alleged that two persons from the applicant's side have received head injuries. There is a cross version of the alleged incident dated 5/6.05.2026. The applicant sustained lacerated wound on top of head 9cm from upper back of right ear. Apart from lacerated wound, he sustained contused swelling on right back of ear. His injury no. 1 was examined for CT Scan. It is further submitted that it cannot be ascertained at this stage as to which party was aggressor. The

criminal history of the applicant has been well explained in paragraph no. 5 of the supplementary affidavit. Learned counsel for applicant further submits that applicant has been languishing in jail since 07.05.2026 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. and learned counsel for the 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. It is further contended by learned counsel for the informant that three persons sustained severe injuries from the side of the informant and no FIR was lodged from the side of the applicant.

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

6. 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, explanation of 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.

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

8. Let the applicant- **Shahjahan Khan**, 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.

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 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
Kirti