



2026:AHC:127440

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19926 of 2026

Jitendra Pal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Om Prakash
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Om Prakash, learned counsel for the applicant 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. 57 of 2026, under Sections 281, 125(B), 105, 191 (2), 115(2), 324 (2) BNS, Police Station-Hazratpur, District Budaun.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant- Jitendra Pal and both his sons, namely, Anuj and Vipin, have been nominated in the FIR dated 30.4.2026. As per prosecution case, co-accused Anuj was driving a motorcycle and the applicant was a pillion rider. The accident was caused by co-accused Anuj, as a result of which, deceased Ajay Kumar sustained head injury. Thereafter, the deceased was physically assaulted by the applicant and the other co-accused persons. It is further submitted that a general allegation has been levelled against the applicant and no weapon has been assigned in the hand of the applicant in the FIR. As per post mortem report, deceased sustained as many as 10 injuries, and the cause of death is shock and coma as a result of ante mortem head injury. The submission of the learned counsel for the applicant is that the the deceased sustained ante mortem head injury in the accident. The witnesses Pawan and Pankaj were examined during course of investigation and no specific allegations were levelled by those witnesses. The case of the applicant is distinguishable from the case of co-accused Anuj. The criminal history of the applicant has been explained in paragraph no.20 of the affidavit filed in support of the bail

application. Learned counsel for applicant next submits that applicant has been languishing in jail since 01.05.2026 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. has 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.

5. 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.

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

7. Let the applicant- **Jitendra Pal**, 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.

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

9. 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 16, 2026

Nitendra