



2026:AHC:128905

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19164 of 2026

Vijnesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Madan Singh
Counsel for Opposite Party(s)	:	G.A., Ram Shiromani Yadav

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Madan Singh, learned counsel for the applicant, Sri Ram Shiromani Yadav, 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. 30 of 2026 under Sections 351(3), 109(1), 115(2), 191(2), 191(3), 127(2) of B.N.S., 2023, Police Station- Bilari, District- Moradabad.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The FIR was lodged against seven persons. The applicant is not nominated in the FIR though it was lodged after three days of the incident. The alleged incident had taken place on 24.01.2026 whereas the FIR was lodged on 27.01.2026. The delay in lodging the FIR has not properly explained. The name of the applicant was taken by injured witnesses on 26.03.2026. Learned counsel for the applicant has drawn attention of the Court to the injury report of injured Jitendra Singh and Man Singh. As per the injury report of Man Singh, his injuries were simple in nature. As per the injury report of Jitendra Singh, he received a lacerated wound on left side of head however, that lacerated wound was found to be simple in nature. Fracture was seen in the hand and leg of the injured Jitendra and his injuries no. 2 and 3 were grievous in nature. Rest injuries were found to be simple in nature. It is further contended that the injured Jitendra Singh was conscious and oriented at the

time of his medical examination on 24.01.2026 inspite of that name of the applicant was not taken by him and therefore, the applicant was not named in the FIR which was lodged after three days of the alleged incident. It is further submitted that general allegations have been leveled by the injured Jitendra Singh against the applicant on account of previous enmity. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 27.03.2026 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 bail application of co-accused Bablu, who is named in the FIR has been rejected by a Co-ordinate Bench of this Court vide order dated 30.03.2026 passed in Criminal Misc. Bail Application No. 9660 of 2026.

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, 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.

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

8. Let the applicant- **Vijnesh**, 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 23, 2026

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