



2026:AHC:129415

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20884 of 2026

Jagdish Yadav @ Pintu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rajesh Kumar, Vishveshwar Mani
Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 73

HON'BLE VIKAS BUDHWAR, J.

1. Vakalatnama filed by Ms. Priyanka Singh on behalf of the first informant is taken on record.
2. Heard Sri Rai Sahab Yadav holding brief of Shri VM Tripathi, learned counsel for the applicant as well as Shri Purushottam Maurya, learned AGA for the State and Ms. Priyanka Singh for the first informant.
3. This is an application under Section 483 of the BNSS filed on behalf of the applicant- Jagdish Yadav @ Pintu for enlarging him on bail in Case Crime No. 74 of 2026, under Section 191(2), 191(3), 352, 109(1) & 324 (4) BNS, P.S. Badhalganj, District Gorakhpur.
4. Learned counsel for the applicant has submitted that a First Information Report stood lodged by the first informant / injured against the applicant as well as four others and unnamed accused relating to the commission of the offences on 15.02.2026 / 14.02.2026 under Section 191(2), 191(3), 352, 109(1) & 324 (4) BNS being FIR No. 0074, Police Station Badhalganj, District Gorakhpur with an allegation that on 14.02.2026, the injured along with the other injured were returning after attending a marriage and thereafter a ruckus was created and the applicant herein along with the other co-accused with the help of hockey, iron rod, cudgel inflicted injury. Learned counsel for the applicant submits that the only general and omnibus allegations have been leveled without there being any specific allegation which marks importance particularly when the injured itself is the first informant. He further submits that merely because independent witnesses

being Nandlal Maurya and Ashok Maurya have assigned specific role to the applicant would not be a ground to hold the applicant guilty of commission of the offence. Submission is that the applicant is languishing in jail since 19.02.2026. He does not possess criminal history.

5. Learned AGA as well as the counsel appearing for the opposite party no. 2 submits that though the co-accused Mukesh Yadav has been enlarged on bail in Criminal Miscellaneous Bail Application No. 12958 of 2026, however an argument was raised by the counsel for the Mukesh Yadav (co-accused) that the applicant was assigned a specific role in view of the statement of the eye witness Nandlal Maurya and Ashok Maurya.

6. Considering the submissions of the learned counsel for the rival parties *prima facie* the applicant is entitled to be enlarged on bail as the applicant does not possess criminal history, only general allegations have been leveled against the applicant and he is languishing in jail since 19.02.2026.

7. Let applicant- **Jagdish Yadav @ Pintu** be released on bail in Case Crime No. 74 of 2026, under Section 191(2), 191(3), 352, 109(1) & 324 (4) BNS, P.S. Badhalganj, District Gorakhpur on his furnishing a personal bond with two sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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 an abuse of liberty of bail and pass orders in accordance with law.

(iii) 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 269 of the BNS.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the 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 209 of the BNS.

(v) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of BNSS. 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.

(vi) The applicant shall appear before the concerned police station on the first Monday of each month.

8. It is further directed that the identity, status and residence proof of the sureties be verified by the authority concerned before they are accepted.

9. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail. Any observations made in granting bail to the applicant shall not in any way affect the learned Trial Court Judge in forming his independent opinion based on the testimony of the witnesses.

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

June 29, 2026

N.S.Rathour

(Vikas Budhwar,J.)