



2026:AHC:126610

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19259 of 2026

Durga @ Durgachran

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar, Vijay Bahadur Shivhare
Counsel for Opposite Party(s): G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Sri Vijay Bahadur Shivhare, learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No. 275 of 2025, under Sections 3(5), 191(2), 191(3), 190, 109(1), 310(2), 115(2), 352, 132, 121(1), 118(1), 127(2), 324, 317(3) of BNS and Section 7 Criminal Law Amendment Act, Police Station- Kurala, District-Hamirpur, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated in the present case. It has been submitted by the learned counsel for the applicant that as per the prosecution version, the incident occurred between two groups in which injured sustained injuries. It has been submitted that no specific role has been assigned to the applicant. Similarly placed person namely, Khanna @ Rajesh Nishad has already been released on bail by a coordinate bench of this Court vide order dated 17.4.2026 passed in Criminal Misc. Bail Application No. 12826 of 2026, therefore, applicant is also entitled for bail on the ground of parity. It has also been submitted that some other accused persons have also been released on bail. As per injury report, injuries are not grievous in nature. The applicant has been languishing in jail since 10.12.2025 having no criminal history, except a case under Section 25 Arms Act which has been falsely lodged against the applicant along with this case. Learned counsel for the applicant further submits that investigation has been concluded and the charge-sheet

has been submitted in the case. In the event of being enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

4. Learned A.G.A. opposed the prayer for grant of bail to the applicant.

5. As the identically placed co-accused has already been released on bail by this Court, hence, keeping in view of the nature of the offence, all attending facts and circumstances of the case, complicity of accused, severity of punishment and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant- **Durga @ Durgachran**, who is involved in 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.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) 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.

(iv) 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 (corresponding Section 269 BNS).

(v) 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. (corresponding Section 84 BNSS) 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 (corresponding Section 209 BNS).

(vi) 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. (corresponding Section 351 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.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

June 10, 2026
Gss

(Sanjiv Kumar,J.)