



2026:AHC:124966

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19258 of 2026

Anil

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Srivastava, Rajendra Narain
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ajay Kumar Srivastava, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 205 of 2025, under Sections 105, 352, 351(3) of B.N.S., at Police Station Phulpur, District Varanasi, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that in the FIR, general allegation has been made against the applicant and two other co-accused persons for beating the deceased over a trivial issue. However, the eye-witnesses, Sujeet and Sarkar, have made specific allegation of beating the deceased with a 'danda' against the co-accused Subhash and the allegation against the applicant is that he has also beaten the deceased with fists. As per the postmortem report of the deceased, the deceased died due to head injury having subdural hematoma as well as ruptured liver, which could be caused by a hard and blunt object, and the same was recovered on the pointing out of the co-accused Subhash.
4. It is further submitted that the first informant (wife of the deceased) did not support the prosecution story during the trial. Therefore, the applicant is entitled to be released on bail. It is further submitted that the applicant has explained the criminal history of one case and the role of the applicant

is clearly distinguishable from that of the co-accused Subhash. It is further submitted that charge-sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law-abiding citizen and he is languishing in jail since 17.06.2025. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Anil**, involved in the aforementioned 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, with the following conditions:-

- i. 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Varanasi** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 3, 2026
SA