



2026:AHC:129220

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21671 of 2026

Ashish Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajesh Maurya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anjani Kumar, advocate holding brief of Sri Rajesh Maurya, learned counsel for the applicant and Sri Vijay Bahadu Maurya, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No.125 of 2026, under Sections 3(4), 115(2), 352, 351(3), 124(1) of BNS, Police Station Saraima, District Azamgarh, during pendency of the trial.

3. Learned counsel for the applicant submits, however as per allegation applicant caused burn injury to the injured namely Virendra Sonkar by pouring boiling water but entire allegations levelled against the applicant are totally false.

4. He next submits, actually applicant went in a marriage function and at the function his dispute arose with the injured Virendra Sonkar and thereafter during scuffling he sustained burn injury due to boiling water but as he sustained 82% burn injury therefore FIR has been lodged against applicant.

5. He next submits, it is a case in which applicant also sustained burn injury due to boiling water and this fact is evident from his medical report which has been annexed alongwith the instant bail application and this fact supports the defence version that accidentally both applicant and injured Virendra sustained burn injuries.

6. He next submits, applicant is not having any criminal history and in the present matter he is in jail since 21.05.2026.

7. Per contra, learned AGA however opposed the prayer for bail and submits, as per statement of the injured Virendra Sonkar applicant caused burn injury to him by pouring boiling water upon him and from the medical report of the injured Virendra it reflects, he sustained 82% burn injuries but he could not dispute the fact that in the alleged incident it reflects, applicant also sustained burn injury and as per his medical report he also sustained 22% burn injuries. He also could not dispute that applicant is not having any criminal history.

8. I have heard both the parties and perused the record of the case.

9. However, as per prosecution applicant caused burn injury to injured Virendra Sonkar from boiling water but it reflects, in the alleged incident applicant also sustained burn injury through boiling water and it reflects, he has also sustained 22% burn injuries. Considering the medical report of the applicant the argument advanced by learned counsel for the applicant that during scuffling between applicant and injured Virendra, both applicant and injured Virendra sustained injuries cannot be ruled out at this stage.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 21.05.2026.

11. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

14. Let the applicant - **Ashish Kumar** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

June 25, 2026
Shahroz