



2026:AHC:129706

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 21901 of 2026

Nikhil @ Ankit Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sushil Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Supplementary affidavit has been filed today in the Court, is taken on record.
2. Sri Gajendra Singh Chauhan, the Learned counsel has filed his power today in the Court, is taken on record.
3. Heard Sri Sushil Kumar, the Learned counsel for the applicant, Sri Gajendra Singh Chauhan, the learned counsel for the informant, the Learned A.G.A. for the State and perused the record.
4. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.34 of 2026, under Sections 115(2), 351(2), 352/3(5), 109, 191(2) of BNS, Police Station- Sirsa Kalar, District- Jalaun.
5. The Learned counsel for applicant submit that the applicant has been falsely implicated in the present case. The applicant is not named in the FIR. Later on, the applicant's name has surfaced during investigation in the statement of the injured and other witnesses. He further contends that a general role has been assigned to the applicant. The applicant has no criminal antecedents. The applicant is in jail since 6.4.2026.
6. The Learned counsel for the informant and the Learned A.G.A. have opposed the prayer for grant of bail and have contended that the applicant has played an active role in the incident. The injured has received

grievous injuries which could have been life threatening and the applicant along with the other accused has also been seen in the CCTV footage collected during investigation. The call details record has also established the presence of the applicant on the spot. The Learned counsel for the informant further relies upon the decision of the Supreme Court in the case of **Shobha Namdev Sonavane Vs. Samadhan Bajirao Sonvane and others, 2026 INSC 181** and has placed paragraphs no.27 and 30 and has contended that the applicant who was part of an unlawful assembly and has given general role of assault does not deserve to be enlarged on bail.

7. The Learned A.G.A. has adopted the submissions of the Learned counsel for the informant and has submitted that the charge sheet has also been submitted against the applicant. The applicant against whom sufficient materials has been collected may not be considered for grant of bail

8. I have considered the submissions made by Learned counsels for the parties.

9. The applicant has not been named in the FIR. The First Information Report has been lodged against four named and some unknown persons. Later on, the applicant has been identified as one of the unknown persons who had assaulted the injured. The injured has supposedly received five injuries including grievous injuries however, no specific injury has been attributed to the applicant. The Supreme Court in the decision cited by the Learned counsel for the informant specifically paragraphs no.27 and 30 has observed as follows:-

"27. In this backdrop, clearly, the approach adopted by the High Court at the stage of considering bail recording that the prosecution was required to indicate the individual role of the accused in the incident, and that failure to do so, entitled the respondents-accused to bail, is erroneous on the face of record. In a case where the offence is committed by an unlawful assembly, each member of the assembly is equally responsible for the acts committed in furtherance of the unlawful object. The common object of the assembly being to assault the deceased Namdev on account of the pending civil litigation, each member of the unlawful assembly was

thus equally liable and responsible for the offending acts. We may note that the looking to the large number of injuries, caused to the deceased (referred to infra), even the plea of over implication was not tenable.

30. At the cost of repetition, it may be mentioned that the provisions of rioting, unlawful assembly having been invoked, the prosecution was under no obligation to identify and fix the individual acts of the accused. So far as the observation made by the High Court regarding the time gap between the date of the incident and the date of death of the deceased Namdev is concerned, the said aspect would have to be gone into by the trial Court at the time of appreciating the medical evidence"

10. In the opinion of the Court, the facts of the case which are being relied upon by the Learned counsel for the informant are not applicable in the present case. The Supreme Court was considering the challenge to an order granting bail to an accused in a case of murder and had observed that the approach adopted by the High Court at the stage of considering bail that the prosecution was required to indicate the individual role of the accused and the failure to do so by the prosecution entitled the accused to bail was erroneous. In the cases where offences were committed by an unlawful assembly each member of the assembly was equally responsible for the act committed in furtherance of the unlawful object. The proposition of law as considered by the Supreme Court is not applicable in the present case as the facts and circumstances of the present case are quite distinguishable. The Supreme Court was considering the challenge to the bail granted by the High Court and had observed regarding the approach adopted by the High Court while considering the bail of the accused therein. Such is not the case here. In the present case, the informant who is not an eye witness of the incident lodged the FIR on the basis of information received by one Shan Mohammad. The witness Shan Mohammad in his statement has also not taken the name of the applicant nor of any other accused except Mausham Bhadoriya. Despite this the names of four accused including Mausham Bhadoriya have been mentioned in the FIR. The first information report has been registered on the information received from Shan Mohammd himself. There does not appear to be any CCTV footage showing the applicant assaulting the

injured along with the co-accused. The charge sheet has already been submitted. He is in jail since 6.4.2026. The trial against the applicant is not likely to conclude in the near future. Once the investigation is complete, there is no likelihood of the applicant influencing the investigation. The applicant has no criminal history.

11. Taking into account all the facts and circumstances of the case, *prima facie* a case for bail is made out.

12. The bail applications are ***allowed***.

13. Let the accused-applicant- **Nikhil @ Ankit Kumar** involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

i. The applicant will not tamper with the evidence.

ii. The applicant will not indulge in any criminal activity.

iii. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.

iv. The applicant will appear regularly on each and every date fixed by the trial court, unless their personal appearance is exempted by the court concerned.

14. In the event of breach of any of the aforesaid conditions, the trial Court will be at liberty to proceed to cancel their bail.

15. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

16. 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 applicants.

17. The observations made hereinabove are exclusively for deciding the instant bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

June 30, 2026

Krishna*