



2026:AHC:127194

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19777 of 2026

Luvkush Patel @ Lalu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ankit Kapoor
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 526 of 2025, under Sections 191(3), 103(1), 190 of B.N.S., Police Station- Badagaon, District- Varanasi.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant and two other co-accused Arjun Patel and Aryan Patel alongwith three unknown persons, have been nominated in the F.I.R. dated 27.12.2025. The general allegation has been levelled in the F.I.R. and the first informant of the present case is not an eye-witness of the alleged incident. During course of investigation, statement of one Sandeep Patel was recorded on 21.02.2026 and he claimed himself to be an eye-witness of the alleged incident. He further stated that co-accused Aryan Patel caused knife injury in the abdomen of the deceased. The applicant and others including Manish Patel and Anish Patel, were accompanying the main accused Aryan Patel. The aforesaid co-accused Manish Patel and Anish Patel, have been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.05.2026 in CrI. Misc. Bail Application No. 14494 of 2026. A copy of the bail order has been produced by the learned counsel for the applicant which is taken on record. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has

been languishing in jail since 27.12.2025 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

5. I have considered the rival submissions of the parties and perused the record.

6. The F.I.R. is delayed by more than 13 hours and general allegation has been levelled in the F.I.R. In the statement of alleged eye-witness Sandeep Patel, main role of causing injury has been assigned to co-accused Aryan Patel. The other co-accused Manish Patel and Anish Patel, who were not assigned role of causing injury to the deceased, have been granted bail by a co-ordinate Bench of this Court. The chargesheet has already been submitted in this case.

7. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

9. Let the applicant- Luvkush Patel @ Lalu, who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) 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/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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./ 351 of B.N.S.S. 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.

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

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 15, 2026

A.P. Pandey