



2026:AHC:127287

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19783 of 2026

Rihan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vivek Singh

Counsel for Opposite Party(s) : Akash Tomar, Atul Verma, G.A.,
Mohit Kumar Singh, Sujata Choudhary

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard Sri Vivek Singh, learned counsel for the applicant and the learned A.G.A. for the State of U.P. No one appears on behalf of the first informant even in the revised call.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 42 of 2026, under Sections 191(2), 191(3), 190, 109(1), 103(1), 351(2) of BNS, Police Station Nauchandi, District Meerut.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. It is further submitted that as per first information report, 11 named accused persons are said to have assaulted the first informant side by their firearm, as a result of which, one Aslam is said to have received gun shot injury and he succumbed to his injuries and one Shoeb has received gun sought injury on his shoulder and when his statement was recorded by the investigating officer, he did not assign any specific role of assault to the applicant and he has assigned specific role of causing gun shot injury to co-accused Aahad, Asad, Amir and Tariq. It is further submitted that as per post mortem report, deceased sustained as many as 5 entry wound on his body. Criminal history of five cases have been well explained in the bail application as well in the supplementary affidavit. The applicant is languishing in jail since 27.02.2026. It is further submitted that similarly situated co-accused Ismail Alias Sameer Alias Sumait and Ameer Ahmad have been enlarged on bail by Co-ordinate Bench of this Court vide orders dated 04.06.2026 and 12.06.2026 passed in Criminal Misc. Bail

Application No.17070 of 2026 and Criminal Misc. Bail Application No.17502 of 2026.

4. Learned A.G.A., on the other hand, opposed the prayer for grant of bail, however, he could not dispute the fact that similarly situated co-accused, namely, Ismail Alias Sameer Alias Sumait and Ameer Ahmad have been granted bail by a Co-ordinate Bench of this Court.

5. I have considered the rival submissions made by the learned counsel for the parties and perused the material brought on the record.

6. In view of the entire facts and circumstances of the case, especially taking into account the fact that the similarly situated co-accused, namely, Ismail Alias Sameer Alias Sumait and Ameer Ahmad have been granted bail by a Co-ordinate Bench of this Court and the same order has not been set aside or stayed by the Hon'ble Supreme Court, and the applicant has been languishing in jail since 27.02.2026 I deem it appropriate to enlarge the applicant on bail.

7. The bail application is **allowed**.

8. Let the applicant- **Rihan** 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. 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.

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

10. 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

Nitendra