



2026:AHC:128169

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18447 of 2026

Arvind Sonkar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ishu Sonkar, S.M.Faraz I. Kazmi
Counsel for Opposite Party(s)	:	Arvind Kumar, Chandra Shekhar Mishra, G.A.

Court No. - 48

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard learned counsel for the applicant, learned counsel for informant, learned A.G.A. for State and perused the record.
2. The present bail application has been filed by the applicant with a prayer to enlarge him on bail in pursuance of Case Crime No. 411 of 2025, under section 109, 309(6), 317(2) of BNS, Police Station Karchhana, District Prayagraj.
3. The nutshell of the prosecution case is that Chandan Soni, brother of the informant i.e. Suraj Soni, was returning to his house from his shop at about 7:30 p.m. When he reached near a canal, approximately 300 metres away from his house, three persons riding a white-coloured motorcycle allegedly collided with him and attempted to snatch the bag carried by him containing gold and silver ornaments. Upon his objection, the assailants allegedly opened fire, causing a gunshot injury on his left thigh, while another pellet hit his right rib. Upon receiving information about the incident, the informant and other co-villagers reached at the spot and took the injured to the hospital for treatment. The injured told that he had hot talk with one Ashish Upadhyay R/o village Gandhiyaw on the point of arrears of money. According to the prosecution, approximately two kilograms of silver and 20 grams of gold ornaments were looted during the incident. During the course of investigation, the accused-applicant was arrested, and 242 gram silver ornaments along with cash amounting to Rs. 270/- were allegedly recovered from his possession. It is also alleged that the informant and the victim were brought to the place of arrest by the investigating agency, where they identified both the recovered ornaments and the accused-applicant.

4. Learned counsel for the applicant, emphasizing the bail application, submits that the applicant is innocent and has been falsely implicated in the present case. It is contended that the applicant has not committed any offence as alleged by the prosecution. Learned counsel further submits that no test identification parade of the accused-applicant was ever conducted during the course of investigation. It is argued that the investigation has been carried out in a one-sided manner and that there is no independent witness to the alleged recovery. It is also submitted that no injury report of the injured has been brought on record by the prosecution. Learned counsel further contends that the applicant has no criminal antecedents and has never been convicted in any criminal case. It is argued that the alleged identification of the recovered ornaments as well as the identification of the accused-applicant at the place of arrest has no evidentiary or legal value in the eyes of law. The applicant is in jail since 29.01.2026. On the aforesaid grounds, it is prayed that the applicant be enlarged on bail during the pendency of the trial.

5. Per contra learned AGA as well as Shri Arvind Kumar, learned counsel appearing on behalf of informant vehemently opposed the prayer for bail and submitted that the looted property has been recovered from the possession of the accused-applicant. It is further submitted that the accused-applicant was duly identified by the informant as well as the victim at the time of his arrest. Learned A.G.A. contends that, after the incident, the injured Chandan Soni was admitted to the hospital for treatment of firearm injuries sustained by him during the occurrence. Attention of the Court has also been drawn to the discharge summary of the injured, which reveals perforation and fracture greater trochanter femur left side with foreign body insitu. Patient was managed operatively by exploratory laparotomy with peritoneal lavage with Primary repair of ileal perforation of 1x0.5cm and 0.5x0.5cm, 5cm and 4cm proximal to ileo ceacal junction respectively, ceacal perforation of 1x1cm, ascending colon perforation 2x1cm, 4cm distal from ileao ceacal junction with ileostomy formation 105 feet proximal from the ileal ceacal junction with left Pelvic drain placement done under GA in emergency OT, thereby corroborating the prosecution version regarding the firearm injury. It is submitted that a part of the looted ornaments has been recovered from the possession of the accused-applicant. It is further contended that the assailants were three in number and that the applicant is one of them, who was arrested after a delay of one month and six days from the date of the alleged incident. In such circumstances, it is argued that the entire looted property could not be recovered from his possession. On these grounds, it is

submitted that the applicant is not entitled to be released on bail.

6. Having heard learned counsel for the applicant, learned A.G.A. for the State, and learned counsel appearing on behalf of the informant, and upon perusal of the material available on record, including the F.I.R. version which finds support from the medical evidence available in the case diary, as well as the partial recovery of looted ornaments from the possession of the applicant, this Court, without expressing any opinion on the merits of the case, is of the view that learned counsel for the applicant has failed to make out any good ground for grant of bail to the applicant.

7. Accordingly, the bail application filed on behalf of the applicant is hereby **rejected**.

(Lakshmi Kant Shukla,J.)

June 18, 2026
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