



2026:AHC:127914

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18582 of 2026

Rajeev Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Aniket Kumar, Garima Yadav, Gaurav
Yadav

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. 41 of 2026, under Sections 352, 351(3), 109(1) BNS, Police Station Usarahar, District Etawah.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. General allegation has been levelled against all the four accused including the applicant. No specific role has been assigned to them. It is stated that in the first information report it is stated that the accused were armed with lathi and danda (bamboo sticks) and caused injuries to the injured Roxy and Ankit. The injury report of the aforesaid injured shows that the injuries were received in road traffic accident (RTA). Both the injured suffered single injury on their body. It is further submitted that the applicant earlier sustained injuries in the alleged incident and he was medically examined on 29.3.2026. The injury report of the applicant shows that he received two lacerated wound on right eyebrow. It is further submitted that the anticipatory bail application of the co-accused Priyanshu Yadav has been allowed by Co-ordinate Bench of this Court vide order dated 22.4.2026 and name of Sunil Kumar has been exonerated by the Investigating Officer and, therefore, no charge-sheet was submitted against him by the Investigating Officer. The charge-sheet has already been submitted in this

case. The criminal history of the applicant has been well explained in paragraph no. 15 of the bail application. Learned counsel for applicant further submits that applicant has been languishing in jail since 30.3.2026 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. It is further submitted that the bail application of the co-accused has been rejected by Co-ordinate Bench of this Court on 28.4.2026.

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

6. 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.

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

8. Let the applicant-**Rajeev Kumar** 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.

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 18, 2026
Lalit Shukla