



2026:AHC:128292

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 18417 of
2026

Vishnu Paswan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sunil Kumar
Counsel for Opposite Party(s)	: Dinesh Kumar Sharma, G.A., Shalu Yadav, Vinay Kumar

Court No. - 48

HON'BLE LAKSHMI KANT SHUKLA, J.

1. Heard Sri Sunil Kumar, learned counsel for the applicant, learned A.G.A. representing for the State, Sri Vinay Kumar, learned counsel for the informant and perused the material on record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 82 of 2026, under Sections 191(2), 115(2), 109 & 3(5) of B.N.S., Police Station- Kaptanganj, District- Kushinagar, during the pendency of the trial.
3. The nutshell of the prosecution case is that on 26.03.2026, at about 9:00-9:30 p.m., due to previous enmity the applicant along with four other co-accused persons allegedly found Rohit Paswan, the brother of the informant, sitting alone at the doorstep of his house. It is alleged that the applicant and the co-accused persons started assaulting him, and in the course of the incident, the applicant allegedly took out a knife and inflicted a blow on the stomach of the injured. Thereafter, the injured was taken by ambulance to CHC Matholi, from where he was referred to the District Hospital, Kushinagar. Subsequently, he was referred to the B.R.D Medical College Gorakhpur, where he remained admitted until 05.04.2026. During the course of his treatment, the injuries sustained by him were operated upon.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is further submitted that the applicant has no previous criminal history and has never been convicted in any criminal case. It is next submitted that the alleged recovery of the knife said to have been used in the incident is wholly false and has been planted by the police merely to lend support to the prosecution case, whereas, in fact, no such recovery was ever made from the possession of the applicant. Moreover, the alleged recovery is not corroborated by any independent witness. Learned counsel further submits that the arrest of the applicant is arbitrary and unconstitutional. The applicant is a young, unmarried man aged about 23 years and has a bright future ahead of him. It is also submitted that there are material contradictions and inconsistencies between the prosecution story and the statements of the witnesses. Further, there is no medico-legal report on record to establish the grievous nature of the injuries allegedly sustained by the injured. Learned counsel contends that the so called injured remained admitted in the hospital only for about eight to nine days. There is no material on record to demonstrate that, on account of the alleged injuries, he was rendered incapable of carrying out his ordinary routine activities. Therefore, the prosecution has failed to establish the grievous nature of the injuries at this stage. The applicant is a law-abiding citizen and he has no criminal antecedents to his credit. The applicant is languishing in jail since 27.03.2026. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned Additional Government Advocate as well as learned counsel for the informant opposed the prayer for bail and submitted that although no separate medico-legal report is available on record, the material collected during the investigation clearly indicates that the injury sustained by the injured was grievous in nature. It is further submitted that when the injured was taken to the Primary Health Centre, the attending doctor, considering the seriousness of his condition, immediately referred him to a higher medical centre after providing first aid

and dressing the wound. Thereafter, owing to the grave condition of the injured, he was referred to the District Hospital, Kushinagar and subsequently to the B.R.D Medical College Gorakhpur, where he underwent surgery and remained hospitalized for the aforesaid period. Learned A.G.A. and learned counsel for the informant next submitted that the treatment records of the injured, available at pages 58 and 59 of the bail application, substantiate the seriousness of the injury. The treatment records of the injured, contained at pages 58 and 59 of the paper book, read as follows.

"Pt. present in surgery emergency on date 27/03/26 at around 1:38 AM, with A/H/O penetrating injury over abdomen & injury over left upper limb & face due to assault.

- E-Fast done suggestive of minimal Hemoperitoneum (27/03/26).

- X-ray chest and abdomen s/o free gas under right dome of diaphragm.

Diagnosed as- penetrating injury with bowel perforation.

Managed operatively by life-saving Exploratory laparotomy under GA on date 27/3/26, with primary repair of perforation (1X0.5cm) done.

OT Notes:- Life saving exploratory laparotomy + Drainage of 50 ml purulent content + peritoed lavage + primary repair of Perforation size (1 X 0.05 cm) present 2 1/2 feet distal to DJ 5 feet proximal to IC + Left flame drain + Abdomen closed in layers.

- Post-operative period is uneventful.

- Orthopedic referral done for left arm injury

They managed conservatively by wound stitch & dressing."

6. Learned A.G.A. and learned counsel for the informant further submitted that the principal role of inflicting the knife blow has been specifically assigned to the applicant. Referring to the statement of Dr. Julie Chand, contained at page 63 of the paper book, it is submitted that the injured had sustained a penetrating

knife injury on the left side of his abdomen. Reliance has also been placed on the statement of Dr. Gayasuddin, posted at the Primary Health Centre, who stated that the injured had suffered a deep injury on the left side of his stomach and, considering the seriousness of the injury, he referred the patient to the District Hospital, Kushinagar, after dressing the wound. According to the learned A.G.A. and learned counsel for the informant the immediate referral by the attending doctors itself indicates that the injury was serious and potentially life threatening in nature. It is, therefore, submitted that the applicant has been assigned the principal role in the commission of a grave offence and as such does not deserve to be enlarged on bail. They prayed for rejection of the bail application.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and perusal of medical records, statements of doctors of CHC and B.R.D Medical College Gorakhpur, the Court is of the opinion that it is not a fit case for bail. Hence, the bail application of applicant-Vishnu Paswan is hereby ***rejected***.

June 19, 2026
Vikram

(Lakshmi Kant Shukla,J.)