



2026:AHC:126381

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10702 of 2026

Vikas

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Bhaskar Bhadra, Rajveer Chaurasiya
Counsel for Opposite Party(s)	: G.A., Govind Singh Rajpoot, Kali Shanker Tiwari

Court No. - 6

HON'BLE MRS. VANI RANJAN AGRAWAL, J.

1. Heard Sri Rajveer Chaurasiya, learned counsel for the applicant and Sri Kali Shanker Tiwari, learned counsel for the respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case No.2 of 2026, arising out of Case Crime No.124 of 2025, under Section 109(1), 3(5), 49, 352 of BNS and Section 3/25 of Arms Act, Police Station- Majhgavan, District- Hamirpur.
3. As per the prosecution case, on 13.11.2025 at about 7:30 P.M., the injured Jairaj was going to deliver food when he reached near the Government Ration Shop and got involved in an altercation with the accused persons. During the incident, the accused persons assaulted him and the applicant allegedly caused a bone-deep injury on his right knee by a sharp-edged weapon. The injured was medically examined at CHC Rath on the same day.
4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is submitted that although the applicant has criminal history, the same has been duly explained in the supplementary affidavits filed in support of the bail application. It is further submitted that as per the prosecution case itself, the specific role of open firing has been assigned to co-accused Sandeep and no such role has been attributed to the present applicant.
5. It is next submitted that the injured Jairaj was medically examined, however, as per medical opinion of the radiologist/doctor, the injury was

found to be simple in nature and caused by a hard and blunt object. It is thus contended that the medical evidence does not support the prosecution allegation to the extent alleged. Learned counsel for applicant submits that applicant is behind the bars since 15.11.2025 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

6. Per contra, learned counsel for the respondent has opposed the prayer for bail, but does not dispute the fact that the role of open firing has been assigned to co-accused and that the radiologist report indicates the injury to be simple in nature caused by a hard and blunt object.

7. Having considered the submissions advanced by learned counsel for the parties, the nature of accusations, the role assigned to the applicant, the medical evidence brought on record, the fact that the role of open firing has been attributed to the co-accused, the explanation furnished regarding the criminal history of the applicant, the period of incarceration and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for bail.

8. Accordingly, the bail application is allowed.

9. Let the applicant- **Vikas**, 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.

(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., 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.

(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.

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.

June 9, 2026
P. Pandey

(Mrs. Vani Ranjan Agrawal,J.)