



2025:AHC:175520

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27833 of 2025

Sumit Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shakti Shanker Tiwari, Subhash
Chandra Tiwari
Counsel for Opposite Party(s) : D.M.Tripathi, Nagendra Pratap Singh,
G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Anil Bhushan, learned Senior Counsel assisted by Shri Shakti Shanker Tiwari, learned counsel for the applicant, Sri D. M. Tripathi, learned counsel for the informant and Shri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 224/2025, under Sections 3(5), 309(6), 115(2), 352, 351(2), 317(2) of BNS and Section 7 Criminal Law (Amendment) Act, P.S.- Kotwali Vindhyachal, District- Mirzapur, during the pendency of trial.
4. As per prosecution story, the applicant along with two other named accused persons and some unknown persons is stated to have entered into sanctum sanatorium of the Maa Vindhyachal Dham temple in the night of 04.07.2025 at about 11:55 p.m., thereby they are stated to have assaulted and caused injuries to the Head priest and others (four persons in all).
5. Learned Senior Counsel for the applicant has stated that the applicant has been falsely implicated in the present case. It was fight between the

two factions and the injuries are simple in nature. The F.I.R. is delayed by about four hours and there is no explanation of the said delay caused. The similarly placed co-accused person Navneet Pandey has already been enlarged on anticipatory bail till the submission of police report under Section 193(3) B.N.S.S. by a Co-ordinate Bench of this Court vide order dated 22.09.2025 passed in Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 7418/2025.

6. Learned Senior Counsel for the applicant has further stated that the criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 06.07.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant and other co-accused person have misused their clout and have passed into the sanctum sanatorium of the Maa Vindhyachal Dham Temple after the time of closure of the temple, as such, the applicant is not entitle for bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in institution of FIR and the injuries being simple in nature, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Sumit Pandey**, who is involved in 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 not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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.

(Krishan Pahal,J.)

September 26, 2025

Sharad/-