



2025:AHC:178704

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28389 of 2025

Nitesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Agni Pal Singh, Pratima Singh
Counsel for Opposite Party(s)	:	Ashish Goyal, G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant, Sri Ashish Goyal, counsel for the informant and Sri Nagendra Mishra, learned AGA for the State-opposite party. Perused the material available on record.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 112 of 2025, under Sections 190, 191(2), 191(3), 352, 115(2), 110, 105 and 117(2) B.N.S., Police Station- Mangalpur, District- Kanpur Dehat, during the pendency of the trial.
3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. As per the first information report, the applicant along with six named accused and 5-6 unknown persons is alleged to have assaulted Narendra, Jeetu and Balram. During the course of treatment, Balram succumbed to his injuries. In the statement of the informant, co-accused Rahul, Ram Shankar, Munnu, Guddi and Sangeeta are alleged to have assaulted Narendra, Jeetu and Balram (since deceased). A vague and general role has been assigned to the applicant. No video footage of the alleged incident has been collected by the Investigating Officer. Investigation has been completed. Charge sheet has been filed. The applicant has no criminal antecedents. The applicant is in jail since 24.3.2025 and in case, he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard counsel for the parties and having perused the record this Court prima facie finds that a vague and general role has been assigned to

the applicant; in the statement of the informant, co-accused Rahul, Ram Shankar, Munnu, Guddi and Sangeeta are alleged to have assaulted Narendra, Jeetu and Balram (since deceased); no video footage of the alleged incident has been collected by the Investigating Officer. Further, the applicant has no criminal antecedents and has remained confined for more than six months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Nitesh**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 8, 2025
Manish Kr

(Vivek Varma,J.)