



2025:AHC:178920

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29305 of 2025

Mahipal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Kuamr Yadav
Counsel for Opposite Party(s)	:	G.A., Santosh Kumar Gupta

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Siddharth Mishra, Advocate holding brief of Sri Rakesh Kumar Yadav, learned counsel for the applicant, Sri Neeraj Kumar Sharma, learned A.G.A. for the State-opposite party, and Sri Shubham Maurya, Advocate holding brief of Sri Santosh Kumar Gupta, learned counsel for the informant.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 289 of 2025, under Sections 115(2), 352, 105 B.N.S., Police Station Bahjoi, District Sambhal during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 19.07.2025 at 06:30 a.m.. On the same day the son of deceased informed the police authorities regarding the death of his father namely Phulwari Singh. The said information was recorded in GD No. 026 dated 19.07.2025 at 09:15 a.m.. In the said G.D. entry, the applicant was not named. The present first information report has been lodged on 22.07.2025. As per the first information report, the applicant along with two named accused is alleged to have assaulted the informant and his brother by bricks and lathis. The brother of the informant succumbed to his injuries. As per the post-mortem report, no external injury was seen at

the time of examination. However, fifth, sixth and seventh ribs of right side were fractured. In the opinion of the doctor, the deceased died due to shock and hemorrhage. It is contended that the medical report does not support the prosecution case. The delay in lodging the first information report and non-mentioning of the name of the applicant in the information sent by the son of the informant to the police authorities on 19.07.2025 at 09.15 a.m. is fatal to the prosecution case. Further, the inconsistencies in the FIR and informant's statement to the police authorities on 19.07.2025 discredit the prosecution case. The applicant has no criminal antecedents. The applicant is in jail since 29.07.2025 and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged belatedly; in the information given by the son of the applicant, as recorded in GD No. 026 dated 19.07.2025 at 09:15 a.m., the applicant was not named; as per the post-mortem report, no external injury was seen at the time of examination, however, fifth, sixth and seventh ribs of right side were fractured; in the opinion of the doctor, the deceased died due to shock and hemorrhage; the fact that the medical report does not support the prosecution case. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Mahipal, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of 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; and,
- (iii) shall not pressurize the prosecution witnesses.

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

(Vivek Varma,J.)

October 8, 2025

SKT/-