



2025:AHC:178759

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 30137 of 2025**

Sumit

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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| Counsel for Applicant(s)      | : | Mayank Yadav, Vivek Kumar Singh |
| Counsel for Opposite Party(s) | : | G.A., Prayogendra Pal Singh     |

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**Court No. - 64**

**HON'BLE VIVEK VARMA, J.**

1. Sri Ayush Kaushik, Advocate, has filed his Vakalatnama on behalf of the informant. The same is taken on record.

2. Heard learned counsel for the applicant, Sri Nagendra Kumar Mishra, learned Brief Holder for the State-opposite party, and Sri Ayush Kaushik, 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. 194 of 2025, under Sections 304(2), 333, 105, 191(2), 191(3), 352, 324(4), 115(2), 117(2), 109(1), 351(2), 76 B.N.S., Police Station Partapur, District Meerut during the pendency of the trial.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. In the first information report, 24 named accused including 3-5 unknown persons are nominated. In the alleged incident Shyam Lal died. As per the post-mortem report, the deceased Shyam Lal received injuries on non-vital parts of the body. In the opinion of the doctor, the cause of death was septicemia due to chronic illness of multiple organs involvements. The other injured received injuries which were found simple in nature. It is next contended that it is a cross case. Persons from both the sides have received injuries. The aggressor is still to be ascertained. Identically placed co-accused Akash has been granted bail by this Court vide order dated 7.10.2025 passed in Criminal Misc. Bail Application No. 32673 of 2025. The applicant claims parity. Chargesheet has been filed. The applicant is in jail since 20.05.2025 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned Brief Holder for the State 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 as per the post-mortem report, the deceased Shyam Lal received injuries on non-vital parts of the body; in the opinion of the doctor, the cause of death was septicemia due to chronic illness of multiple organs involvements; the other injured received injuries which were found simple in nature; further, it is a cross case, persons from both the sides have received injuries; the aggressor is still to be ascertained; and, identically placed co-accused Akash has been granted bail by this Court. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than four 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- Sumit, 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.

**October 8, 2025**  
S.S.

**(Vivek Varma,J.)**