



2025:AHC:175492

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33611 of 2025

Amit Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rudra Pratap Pandey, Vidhu Bhushan Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vidhu Bhushan Singh, learned counsel for the applicant and Sri V.K.S. Parmar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 584 of 2024, under Sections 132, 351(3), 61(2), 191(2), 191(3), 126(2), 352, 109, 121(2) of BNS, Police Station Nawabad, District Jhansi, during the pendency of trial.
4. As per prosecution story, the applicant along with other co-accused Sumit Yadav and two unknown persons is stated to have assaulted and caused injuries to the informant and Jail Warder Arjun Singh on 14.12.2024 at about 12:15 p.m.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.
6. Learned counsel has next stated that the FIR is delayed by about six hours and there is no explanation of the said delay caused. There are general and omnibus allegations against all the accused persons in the FIR but subsequently, it has come up in the statements of two injured persons that the applicant had carried an iron rod and he assaulted the injured person with it. The injuries sustained by the injured person Arjun Singh were found grievous in nature that were sustained by him on his hands.

7. Learned counsel has next stated that it is true that two fractures were observed in his hand, one was on ulna bone and other was metacarpal and the said part of the body is not a vital organ, as such the applicant is entitled for bail.

8. The criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 31.12.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. has vehemently opposed the bail application.

10. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record and taking into consideration the delay in institution of the FIR coupled by the fact that there are general and omnibus allegations in the FIR but subsequently, the applicant has been assigned the role of having caused injury by iron rod, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

12. Let the applicant- **Amit Yadav**, 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 the 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.

13. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

14. 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

Sumit S