



2025:0004-1 K03:2025

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 11780 of 2025

Pankaj @ Ramesh Gautam And Another

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar Sharma, Rakesh Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the accused-applicants, learned A.G.A. for the State as well as Mohd. Najrul Abdeen, Advocate, who has filed the Vakalatnama on behalf of complainant, which is taken on record.

This bail application has been filed by two applicants namely Pankaj @ Ramesh Gautam/applicant No.1 and Manoj/applicant No.2.

In the prosecution case, it is alleged that on 18.02.2025 at about 07:30 p.m., five named and some unnamed accused persons, including the applicants, assaulted the injured. A specific allegation of assault with a danda has been made against applicant No. 1, Pankaj @ Ramesh Gautam.

Learned counsel for the applicants submits that so far as applicant No. 2, Manoj, is concerned, according to the statement of the injured on record, only a general allegation of assault by kicks and fists has been made against him. The allegation in the prosecution case is against five accused persons and unknown ladies of the the house of the accused persons. It is further submitted that after a delay of about five months, a false recovery of one danda has been shown from applicant No. 2, Manoj.

He submits that co-accused Kailash Gautam, Sahil Gautam and Raj Gautam, who were assigned general roles, have already been enlarged on bail by this Court vide orders dated 11.11.2025 and 20.11.2025 passed in Criminal Misc. Bail Application Nos. 10752 of 2025 and 11423 of 2025. Applicant no. 2 seeks parity with the bail orders granted to the said co-accused. It is further

submitted that applicant No. 2, Manoj, has no criminal history.

So far as applicant No.1-Pankaj @ Ramesh Gautam is concerned, learned counsel for the applicants submits that a perusal of the statement of the injured on record shows that the only specific allegation against applicant No. 1 is that he assaulted the injured with a wooden log on his leg, while the remaining allegations are general in nature. It is further submitted that the injured, in fact, sustained the injuries in a road accident, and in support of this contention, learned counsel has drawn the attention of this Court to the medical report of the injured-Abhay Yadav, issued by K.K. Hospital, Suraj Kund Park, Lucknow. A perusal of the said report shows that the injured remained admitted in the hospital from 23.02.2025 to 21.03.2025. The report of K.K. Hospital records the following injuries:

"The patient sustained a road traffic accident (RTA) on 18.02.2025 at 07:30 PM at Dpti Khera, Duda Colony, Para, Lucknow, leading to head trauma, severe breathlessness and drowsiness. He underwent a right-sided craniotomy on 20/02/2025 at another hospital and was admitted here for further management."

It has been further submitted that applicants are in jail since 24.07.2025 and, if facility of bail is granted, there is no apprehension that they will flee from the judicial process and they will abide by the orders passed by the Court below and will co-operate in speedy trial of the case.

Learned A.G.A. and learned counsel for the complainant have vehemently opposed the prayer.

Learned A.G.A. for the State submits that initially, on 18.02.2025, the injured was admitted to Rani Laxmibai Hospital, Rajajipuram, Lucknow, at about 09:20 hours in the emergency ward and, after being provided primary treatment, he was referred to the Trauma Centre.

Learned counsel for the complainant submits that after reaching the Trauma Centre, the injured could not be admitted there and, after some treatment, he was taken to a private hospital.

Upon due consideration of the facts and circumstances of the case, including that applicants have no criminal antecedents, that the medical report of K.K. Hospital on record, which has been collected by the Investigating Officer during investigation and made part of the case diary, creates a prima facie doubt regarding the manner in which the injured sustained the injuries, as well as the statement of the injured, the alleged recovery of one iron bar

from applicant No. 1-Pankaj @ Ramesh Gautam from an unknown place without any independent witness, and that applicant No. 2-Manoj has been assigned only a general role, which is prima facie similar to that of co-accused Kailash Gautam, Sahil Gautam and Raj Gautam, who have already been granted bail, along with the nature of injuries and the period of incarceration undergone by both applicants, this Court finds it to be a fit case for enlarging the applicants on bail.

Accordingly, the bail application is **allowed**.

Let the applicants **-Pankaj @ Ramesh Gautam and Manoj**, involved in Case Crime/FIR No. 0136 of 2025 under Sections 191(2), 190, 109(1), 115(2), 117(2), 352, 351(3) BNS, Police Station-Para, District-Lucknow, be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

December 17, 2025

Vinay/-

(Karunesh Singh Pawar,J.)