



2025:0001-1 00:00:00

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 12648 of 2025

Santosh Singh

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sumit Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the applicant and learned A.G.A. for the State and perused the record.

The accused-applicant seeks bail in Case Crime No. 219 of 2025 under Section 191(2)/ 191(3)/ 190/ 115(2)/ 352/ 351(3)/ 3(5)/ 109(1)/ 140(2)/ 62 BNS and Section 7 Criminal Law Amendment Act, Police Station-Kotwali Patti, District-Pratapgarh.

It is alleged in the prosecution case that the complainant has alleged that one Jagannath Vishwakarma was proposing to sell his land situated at Village Aurain, District Pratapgarh, to Brajesh Tiwari. Pursuant to this proposed transaction, the complainant reached the Registrar's Office along with his brother Balmukund at around 1:30 p.m. He was accompanied by the purchaser Brajesh Tiwari, and by Arun Kumar Mishra and Aditya Kumar Mishra. It is further alleged that the information regarding the proposed sale came to the knowledge of Vipin Pandey, who immediately arrived at the Registrar's Office along with Sushil Singh (applicant), Santosh Singh, Om Singh, Ajay Singh @ Tikku Singh, Shivam Pandey, and some unknown persons. They allegedly started threatening the complainant and others to refrain from executing the sale deed in favour of the said Brajesh Tiwari.

Submission of the learned counsel for the applicant is that although two persons are alleged to have sustained injuries, the injuries of both the injured are on non-vital parts of the body. It is submitted that the FIR has been lodged by the Sub-Inspector who, as per his own statement under Section

161 Cr.P.C., is not an eye-witness. Despite this, he has narrated the prosecution version in detail, whereas the same could have been simply stated.

It is further submitted by learned counsel for the applicant is that even if the prosecution story is accepted as it is, the injuries sustained by the injured are not on any vital part. There is no allegation of repetitive firing; therefore, no case under Section 109 B.N.S. is made out. No pistol or any other incriminating article has been recovered from the present applicant. The alleged CCTV footage is also not clear.

Learned counsel for the applicant has further submitted that the applicant has explained his criminal history of eight cases in paragraph four of Supplementary Affidavit. The applicant is in judicial custody since 24.07.2025.

It is further submitted that co-accused Vipin Pandey @ Vikas Pandey has been granted bail by this Court vide order dated 04.12.2025 passed in Bail Application No. 12004 of 2025. Another co-accused, Ajay Singh alias Takku Singh, has also been granted interim protection by a Division Bench of this Court vide order dated 01.08.2025 passed in Criminal Misc. Writ Petition No. 6974 of 2025. Other co-accused Vipin Pandey @ Vikas Pandey and Om Prakash Singh @ Om Singh have also been enlarged on bail by this Court vide orders dated 04.12.225 and 10.12.2025 passed in Criminal Mics. Bail Application Nos. 12004 of 2025 and 11196 of 2025, respectively. The applicant, therefore, seeks parity with the bail order of co-accused Vipin Pandey @ Vikas Pandey.

It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Learned A.G.A. as well as learned counsel for the complainant have opposed the bail prayer of the applicant. I have considered the arguments advanced by learned counsel for the parties as well as perused the record.

Although the role of firing has been assigned to the applicant by the two injured, however, a perusal of the injury report of Arun Kumar Mishra shows that Injury No. 1 is on the buttock measuring 0.5×0.5 cm, and Injury No. 2 has been caused by falling on a hard object. Another injured, Aditya

Mishra, has sustained three injuries on the leg, out of which Injury No. 1 is attributed to a firearm, whereas Injury Nos. 2 and 3 have been caused due to falling on a hard object.

Considering the overall facts and circumstances of the case, the nature of injuries sustained by both the injured persons; the ground of parity with co-accused who have already been granted bail or interim protection; the absence of any allegation of repetitive firing; the fact that the applicant is in custody since 24.07.2025; the submission that the charge-sheet has already been filed, and the explanation furnished by the applicant regarding his criminal history, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant has made out a fit case for being enlarged on bail on the ground of parity.

Accordingly, the bail application is **allowed** on the ground of parity.

Let the applicant- **Santosh Singh**, involved in the aforesaid FIR/Case crime number, be released on bail in the aforementioned case 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 applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant 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 16, 2025

Vinay/-

(Karunesh Singh Pawar,J.)