2026:AHC:187180

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 11256 of 2026

Fazal @ Bhola And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar Dubey, Chandra Bhan Dubey, Syed Ali Imam
Counsel for Opposite Party(s)	:	G.A., Vibhu Rai

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicants, Sri Vibhu Rai, learned counsel for the informant, as well as learned A.G.A. and perused the record.

The present bail application has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 1103 of 2025, under Sections 191(2), 191(3), 190, 333, 109, 351(3) and 324(4) BNS, Police Station Izzat Nagar, District Bareilly, during the pendency of the trial.

Learned counsel for applicants has submitted that the applicants are innocent and have been falsely implicated in the subject case. It is next submitted that as per statement of doctor, injuries suffered by the injured persons are simple in nature. It is submitted that no role has been assigned to the applicants and only general allegation levelled against them. It is submitted that applicants and opposite parties are living in same village due to this reason, they have always made quarrel with each other for drainage system and on small things. It is also submitted that an FIR has also lodged from the side of the applicants. It is submits that applicants have neither concern with the said incident nor committed the said incident as alleged in the FIR. Learned counsel submits that applicants have not committed the alleged crime. At this stage, there is no credible evidence to link the applicants with the offence. There is no previous criminal history of the applicants. Applicants are in jail since 23.1.2026. Learned counsel for the applicant has further submitted that if the applicants are released on bail, they would not misuse liberty of bail and

are ready to co-operate in the trial.

Learned A.G.A. for the State vehemently opposed the prayer for bail and submitted that there is no illegality in the bail rejection order.

Having heard counsel for the parties and having perused the record this Court prima facie finds that a vague and general role has been assigned to the applicant. At this stage there is no substantive evidence to link the applicant with the offence. Further, the applicant has remained confined for about nine months and there is no hope of early conclusion of trial, more so when 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, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Bail Application is allowed.

Let the **applicants-Fazal @ Bhola and Rizwan**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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;

(iii) shall not pressurize the prosecution witnesses.

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

(Jai Prakash Tiwari,J.)

September 8, 2026
Brijesh

Digitally signed by :-
BRIJESH KUMAR
High Court of Judicature at Allahabad