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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16711 of 2026

Vikrant Alias Bittu

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prakhar Saran Srivastava
Counsel for Opposite Party(s)	:	G.A., Kameshwar Singh

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Prakhar Saran Srivastava, learned counsel for the applicant, Sri Kameshwar Singh, learned counsel for the first informant and Sri Himanshu Kumar, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 0008 of 2026, under Sections 103(1), 109, 324(2), 351(2), 191(2), 191(3), 190 & 117(2) of Bharatiya Nyaya Sanhita, 2023, Police Station Dadri, District Gautam Budh Nagar, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant was not named in the FIR, wherein allegations were made against some unknown boys. Subsequently, the injured, in his first statement recorded on 14.01.2026, made allegations against the co-accused persons for assaulting him as well as the deceased; however, no allegation was made against the present applicant except that the injured stated that he was not sure about the presence of the applicant and would inquire from the villagers regarding the same. Thereafter, the second statement of the injured was recorded after more than one month from the date of the first statement, wherein, though allegations were made against the other accused persons, but it was also mentioned that the applicant was involved in the aforesaid incident. Likewise, other witnesses, namely Lucky and Bijendra Singh, were examined after more than 17 days and they too stated that the applicant was involved in the incident in question, without making any specific allegation against the applicant or assigning any weapon to him. It is further submitted that the first statement of the injured itself was recorded after his discharge from the hospital,

wherein he did not make any allegation against the applicant; however, subsequently, as an afterthought, the name of the applicant was introduced in the second statement of the first informant, which was recorded after more than one month from the first statement, despite no specific role or weapon having been assigned to the applicant. The aforesaid statements themselves create doubt upon the prosecution story.

4. It is also submitted by learned counsel for the applicant that no recovery of any weapon has been made on the pointing out of the applicant. Learned counsel for the applicant submits that the applicant has been falsely implicated and there is no incriminating material against him. It is further submitted that co-accused Harsh Hun has already been enlarged on bail by a Coordinate Bench of this Court in Criminal Misc. Bail Application No. 13674 of 2026 vide order dated 08.05.2026 and, therefore, the applicant, having an identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history, the charge-sheet has already been filed in the present case and, therefore, no custodial interrogation of the applicant is required. The applicant is a law-abiding citizen and has been languishing in jail since 13.02.2026. In case he is enlarged on bail, he shall not misuse the liberty of bail and shall cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail and submitted that, though the first informant as well as the injured did not make any allegation against the applicant in their first statements, the name of the applicant was mentioned in the application given by the father of the deceased on 05.01.2026 on the basis of information received from the villagers. It is further submitted that, in the second statement, though the same was recorded after more than one month from the first statement, allegations have been made against the applicant regarding his involvement in the incident in question. However, they could not dispute the fact that the said statement itself was recorded after more than one month and even the statement of the eye-witness, Lucky, was recorded after more than 17 days without any explanation for such delay. Therefore, the applicant is not entitled to be released on bail.

6. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties, and taking into

account the fact that similarly situated co-accused has already been enlarged on bail, and keeping in view the nature of the offence, the evidence, and the complicity of the accused, as also the fact that the applicant was neither named in the FIR nor in the first statement of the injured, and that allegations against the applicant showing his involvement in the incident in question were made by the injured witness only in his second statement, which was recorded after more than one month from his first statement, which itself creates doubt upon the prosecution story, and the heavy pendency of criminal cases before the trial courts, as well as considering the mandate of the judgment of the Apex Court in **Kapil Wadhawan vs Central Bureau of Investigation reported in 2025 SCC OnLine SC 3038** as well as the guidelines of this Court in the case of **Maya Tiwari Vs. State of U.P., 2024 SCC Online All 6765** regarding grant of bail, and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

7. Let the applicant- **Vikrant Alias Bittu**, involved in the aforementioned 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, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant

as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Gautam Budh Nagar** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

May 18, 2026
SA