



2026:AHC:187471

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24745 of 2026

Samrat

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Jyoti Kumari Jaiswar, Tripurari Pal
Counsel for Opposite Party(s) : Ajay Yadav, G.A., Raj Kumar Singh

Court No. - 68
(Sr. No.119 out of 185)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Tripurari Pal and Sri Virendra Singh Pal, learned counsel for the applicant, Sri Raj Kumar Singh, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.40 of 2026, under Sections 190, 191(2), 191(3), 109(1), 3(5) BNS and Section 3/25/27 Arms Act, Police Station Bela, District Auraiya, during the pendency of trial.
4. As per prosecution story, the applicant alongwith other accused persons is stated to have fired and caused gunshot injuries to three persons in all, namely, Sanjay Singh, Kamendra and Shyamu, on 4.3.2026 at about 07:30 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. 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 in the statements of three injured persons, it has come up that it was the applicant who fired and caused the pellet injuries to all the three persons.

6. Learned counsel for the applicant has further argued that the injuries were sustained by pellets and it is not possible for a person to fire three different times so all the persons have sustained injuries at one go. The injuries were not on the vital part of the body, as such, were not dangerous to life. The criminal history of two cases assigned to the applicant has been explained. He is in jail since 5.3.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that applicant is the primary accused person who inflicted gunshot injuries to the injured persons, which is but evident from the statements of three injured persons. The injuries were grievous in nature, as such, applicant is not entitled to bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that no particular act has been assigned in the FIR and the injuries sustained by the injured persons were simple in nature, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

9. Let the applicant- **Samrat**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

September 8, 2026

Vikas Verma