2026:AHC:190023

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27894 of 2026

Ramesh Chandra Gupta And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Girijesh Kumar Gupta, Ram Chandra Solanki
Counsel for Opposite Party(s)	:	G.A., Vikas Narayan Rai

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicants, Sri Vikas Narayan Rai, counsel for the informant and Sri Shashank Shekhar Pandey, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicants on bail in Case Crime No. 83 of 2026, under Sections 115(2), 351(3), 352, 105 B.N.S., Police Station- Kotwali, District- Ballia, during the pendency of the trial.

3. Counsel for the applicants submits that the applicants have been falsely implicated in the present case. The incident is alleged to have occurred on 25.02.2026. As per the allegations contained in the first information report, the applicants along with two named accused persons are alleged to have assaulted the brother of the informant. As per the postmortem report, the brother of the informant was admitted at Trauma Centre and Superspeciality Hospital, IMS BHU, Varanasi on 26.02.2026 at 20.05 hours. Thereafter, the first information report was lodged on 28.02.2026 at 02.11 hours. The brother of the informant died on 28.02.2026 at 23.18 hours. As per the postmortem report, the deceased sustained four injuries; namely- *(1) surgically stapled wound of length 20 cms with 19 surgical stapler pins in situ present on the abdomen 20 cms below the sternum along the midline, (2) multiple blister wounds of size ranging between 2 cms x 2 cms to 3 cms x 2 cms present all over the left arm and forearm, (3) blackish contusion of size 8 cms x 6 cms present in the front left knee joint in the midline and (4) multiple brownish-black scabbed abrasion of size ranging between 1 cm x 1 cm to 2 cms x 1 cm present in the front of left lower leg extending between left knee to left ankle.* In the opinion of the doctor, cause of death is due to

septic shock as a result of intestinal perforation and this is sufficient to cause death in the ordinary course of nature. The nature of injuries shows that the deceased was provided treatment prior to death, however the initial medical papers in respect thereof do not form part of the case diary. The delay in lodging the first information report in the facts of the present case is fatal to the prosecution case. Vague and general allegations have been levelled against the applicants. At this stage, there is no clarity with regard to exact role of the applicants. The applicants are in jail since 06.07.2026 having no criminal antecedents and in case, they are enlarged on bail, they will not misuse the said liberty.

4. Learned AGA and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that the first information report has been lodged belatedly. Vague and general allegations have been levelled against the applicants. At this stage, there is no clarity with regard to exact role of the applicants. The initial treatment provided to the deceased prior to his death does not form part of the case diary. Further, the applicants have no criminal antecedents and remained confined for more than two 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 applicants, 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 applicants are entitled to be enlarged on bail.

6. Let the applicants **Ramesh Chandra Gupta** and **Aditya Gupta Urf Ghantu Urf Aditya Raj**, 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 they :

(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.

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

September 11, 2026

Manish Kr

(Vivek Varma,J.)

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