



2026:AHC:188780

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31615 of 2026

Jaihind

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashish Pandey, Satya Prakash Rathor
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

(Sr. No.3 out of 172 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Satya Prakash Rathor, learned counsel for the applicant, Sri Pankaj Srivastava, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.46 of 2026, under Sections 103(1) BNS, Police Station Khanna, District Mahoba, during the pendency of trial.
4. As per prosecution story, the applicant, who is the son of the deceased, is stated to have assaulted his father with an iron rod on 17.05.2026 at about 11:30 p.m. while in an inebriated state. The informant, who happens to be the neighbour of the deceased, rushed to save him but could not do so. He took the deceased to the CHC, wherefrom he was referred to the District Hospital, Mahoba, where he succumbed to his injuries. Accordingly, the FIR was instituted on 18.5.2026 at 11:02 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 itself was lodged after a delay of about one day, for which no explanation has been furnished. The applicant has been falsely implicated in the case by the informant out of vengeance. The inquest proceedings and post-mortem examination of the deceased had been conducted well before the institution of the FIR. The informant was arrayed as a panch witness in the inquest proceedings, which commenced on 18.05.2026 at 02:00 p.m. and

concluded at about 3:00 p.m. Subsequently, the post-mortem examination was also completed the same evening at 5:15 p.m., much before the institution of the FIR.

6. Learned counsel for the applicant has further argued that the FIR has been lodged belatedly as an afterthought and was instituted after the cremation of the deceased. It is true that the post-mortem report reveals five injuries on the body of the deceased and the cause of death is attributable to the said injuries; however, the applicant is not the author of any of those injuries and was not present at the place of occurrence at the relevant point of time. The applicant has no criminal history and is in jail since 20.5.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application on the ground that the applicant is the son of the deceased and there is no reason for the informant to falsely implicate him.

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 delay of about one day in the institution of the FIR, coupled with the fact that the informant was a panch witness in the inquest proceedings and he did not care to lodge the FIR at that point of time, whereas the FIR was instituted after a delay of about ten hours from the conclusion of the inquest proceedings, 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- **Jaihind**, 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 9, 2026
Vikas Verma