



2026:AHC:211974

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34913 of 2026

Rameshwar Pathak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Rajesh Sharma
Counsel for Opposite Party(s)	: G.A., Nitin Raj Singh, Raj Singh

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rajesh Sharma, learned counsel for the applicant, Sri Nitin Raj Singh, learned counsel for the informant, Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.175 of 2026, under Sections 191(2), 191(3), 190, 109(1), 351(3) and 131 of the Bharatiya Nyaya Sanhita, 2023, Police Station Gorai, District Aligarh, during the pendency of trial.
4. As per prosecution story, the applicant alongwith four other named accused and two unknown persons is stated to have assaulted and caused injuries to three persons from the side of informant on 22.8.2026 at about 07:00 a.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 additional role of exhortation has been assigned to the applicant, but there are general and omnibus allegations against all the accused persons of having assaulted and caused injuries to three persons in all. It is further stated that two persons from the side of applicant have also sustained injuries in the alleged incident and an FIR No.195 of 2026 has been instituted at the police station though belatedly.
6. It is further argued by learned counsel for the applicant that there being

cross-version to the incident, at this point of time, it cannot be ascertained as to which party was the aggressor one. The FIR itself is delayed by about fifteen hours and there is no explanation of the said delay caused. The medical examination of two persons from the side of applicant was conducted prior to that of three injured persons in the instant case. The criminal history assigned to the applicant has been explained. He is in jail since 23.8.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application on the ground that of the three injured persons one Vishal has sustained fracture on his cranium and there are 15 injuries sustained by the injured Surajbhan. As such, the applicant being the primary accused 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 delay in institution of FIR and also there being cross-version to the alleged incident, 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- **Rameshwar Pathak**, 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.)

October 8, 2026

Vikas Verma