2026:AHC:209156

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5005 of 2026

Ashish Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Balendra Deo Misra, Rajrshi Gupta, Ram Rasik Tiwari

Counsel for Opposite Party(s) : Anand Kumar Chaurasia, G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Rajrshi Gupta, Sri Manish Kumar, learned counsel for accused applicant and learned A.G.A. for State.

1A. None appeared for the other side.

2. The present bail application has been moved by the applicant/ accused- **Ashish Pandey** to enlarge him on bail in Case Crime No. 1043 of 2025, under Sections 191(2), 191(3), 109(1), 308(2), 3(5) BNS, P.S.- Kotwali, District- Deoria, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in the FIR dated 12.11.2025 along with four named and 2-3 anonymous persons with the allegation that the accused/applicant and other co-accused have entered the shop of the informant wherein the informant and his brother were present in the shop. There was some monetary transaction between the parties, which led to the assault on which the co-accused Alok Rajbhar has opened fire in the air whereas Ashish Pandey, the present applicant has fired with the intention to kill his brother. It is the contention of learned counsel that gun shot injury was suffered by Rahul Chaurasia on his left lateral iliac region which is a non vital part. The accused/applicant has criminal history of seven cases, in six cases he is on bail and in another case he is still in jail, which is invoked after the present case. The charge sheet is submitted. The trial is still at nascent stage.The accused applicant is languishing in

jail since 14.11.2025. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

5A. This Court in order dated 14.08.2026 call for the status of the trial. The trial court in report dated 21.08.2026 stated that there are 32,000 cases pending before the trial court out of which 400- 450 cases are daily listed before the court and after much efforts the case has been committed to the court of sessions. This shows that the trial is still to commenced despite long incarceration of accused/applicant in jail.

6. Considering that there was an altercation between the parties on some monetary transaction, which led to the gun shot injury on non vital part, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 6, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad