2026:AHC:208905

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24134 of 2026

Ram Kailash Yadav

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepak Kumar Yadav, Swapnesh Singh, Sr. Advocate
Counsel for Opposite Party(s)	:	Abhishek Kumar Singh, G.A., Kulveer Singh, Shri Prakash Mishra

Court No. - 82

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned Senior Advocate for the applicant, learned counsel for the informant, learned AGA for the State and perused the record of the case.

The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 036 of 2026, under Sections 191(2), 191(3), 115(2), 352, 74, 75, 76, 351(2), 324(4), 127(8), 288, 309(6) B.N.S., and Section 9/10 POCSO Act, Police Station Holagarh, District Prayagraj, during pendency of the trial.

It is submitted by the learned Senior Counsel for the applicant that the applicant is innocent and has been falsely implicated in the present case due to ulterior motives and on account of the existing dispute between the parties. It is submitted that the entire family members and relatives of the applicant, numbering about 16 persons, have been falsely roped into the present case with a view to exert pressure upon them. It is further submitted that the alleged incident occurred due to grave and sudden provocation and that the allegations have subsequently been exaggerated and given a colour which is not borne out from the actual facts and circumstances of the case. It is submitted that the present FIR was lodged after an unexplained delay of about one month, pursuant to an application moved under Section 156(3) Cr.P.C. (corresponding Sections 173(4) of the BNSS). It is further submitted that, prior to the institution of the present case, the applicant had also lodged an FIR against the family

members of the informant in respect of the very same occurrence, relating to the same date, place and time. The existence of the cross-case demonstrates that the occurrence arose out of a dispute between the parties. It is further submitted that despite the nature of allegations, no person sustained any injury in the alleged occurrence and no injured person was medically examined. Thus, there is no medical evidence of any injury and the case, so far as the allegation of assault is concerned, is a case of no injury. It is also submitted that the applicant has no previous criminal antecedents or criminal history and has never been convicted in any criminal case. The applicant has been in judicial custody since 13.06.2026 and the police have already submitted the charge-sheet against the applicant on 02.07.2026. Therefore, the custodial interrogation of the applicant is no longer required. It is further submitted that, in view of the submission of the charge-sheet, there is no possibility of the applicant interfering with the investigation. It is also submitted that the applicant undertakes that he will not misuse the liberty of bail, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

On the other hand, it is vehemently submitted by learned counsel for the informant as well as learned AGA that the bail application of the applicant is liable to be rejected in view of the gravity and nature of the allegations levelled against him. The applicant has been specifically named in the FIR and has actively participated in the alleged occurrence. It is further submitted that the plea of sudden provocation is also a matter of defence and cannot be accepted at this stage without appreciation of the evidence. The allegations made in the FIR disclose the commission of cognizable offences and the same require proper adjudication during trial.

Having heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the informant, and upon perusal of the record, this Court finds that the applicant has been in judicial custody since 13.06.2026 and the charge-sheet has already been submitted on 02.07.2026. The applicant has no previous criminal antecedents. It is also apparent that there is a cross-case arising out of the same occurrence. The alleged occurrence is stated to have taken place in the background of a

dispute between the parties, and there is no medical evidence showing any injury having been sustained by any person in the alleged occurrence. Without expressing any opinion on the merits of the case and keeping in view the nature of the allegations, the period of incarceration, the submission of the charge-sheet, absence of criminal antecedents, existence of a cross-version of the occurrence, and the overall facts and circumstances of the case, this Court is of the considered opinion that the applicant has made out a case for bail.

Accordingly, the bail application is allowed.

Let the **applicant-Ram Kailash Yadav** 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Jai Prakash Tiwari,J.)

October 6, 2026
Brijesh

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