2026:AHC:227756

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30487 of 2026

Ramnaresh Bind

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aadarsh Mohan Pandey, Satya Nand Tripathi, Saumitra Dwivedi
Counsel for Opposite Party(s)	:	Amrendra Kumar Mishra, G.A., Manish Kumar Kesarwani

alongwith

CRIMINAL MISC. BAIL APPLICATION No. - 33285 of 2026

Gullu Ram

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aadarsh Mohan Pandey, Satya Nand Tripathi, Saumitra Dwivedi
Counsel for Opposite Party(s)	:	Manish Kumar Kesarwani, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. As both the bail applications arise from same FIR, therefore, both are being disposed of by a common order.

2. Rejoinder affidavit filed by applicant-Ramnaresh Bind is taken on record.

3. Heard Sri Saumitra Dwivedi, learned counsel for the applicants; Sri Manish Kumar Kesarwani, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State-respondent.

4. The instant applications have been filed seeking release of the applicants on bail in Case Crime No. 189 of 2026, under Sections 191(2), 191(3), 115(2), 352, 351(2), 103(1) BNS, Police Station Handiya, District Prayagraj,

during pendency of the trial in the court below.

5. Learned counsel for the applicants submitted that however applicants were named in the FIR alongwith two others and according to the FIR named accused alongwith their unknown associates made assault due to which number of persons sustained injuries but entire allegations levelled against the applicants are totally false.

6. He further submitted that initially FIR of the present case was lodged under section 109 BNS and other offences but after the death of one of the injured case has been converted under section 103(1) BNS.

7. He further submitted that applicants are innocent and actually informant side was the aggressor and due to the assault made by informant side from the side of applicant also two persons sustained injuries and their injury reports have been filed alongwith the supplementary affidavit dated 2.11.2026

8. He further submitted that from the side of the applicants, FIR could not be lodged but from their side an application under section 174(3) BNSS has been moved.

9. He further submitted that considering the facts and circumstances of the case prima facie, it cannot be said that applicants' side were the aggressor.

10. He further submitted that even post mortem report suggests that however deceased sustained four injuries but two were scabbed wounds, abrasions and one injury was on his head which appears to be fatal and there is no evidence that applicants were authors of this injury.

11. He further submitted that even considering the post mortem report it could not be reflected that applicants were having any intention to cause death of the deceased. He further submitted that it reflects, during dispute deceased sustained injuries and unfortunately died.

12. He further submitted that applicants are having no previous criminal history and they are in jail in the present matter since 30.4.2026 i.e. for last more than six months.

13. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the arguments on facts

advanced by learned counsel for the applicant.

14. I have heard learned counsel for the parties and perused the record of the case.

15. However applicants are named in the FIR alongwith others and as per allegation due to the assault made by them one person died and three persons sustained injuries but record further suggests that in the alleged incident from the side of the applicants also two persons sustained injuries and therefore, prima facie it appears to be a case of free fight.

16. Further, even post mortem report suggests that deceased however sustained four injuries but two injuries were scabbed abrasions and it reflects, he died due to injury no. 1 and considering the post mortem report of the deceased and facts and circumstances of the case, argument advanced by the learned counsel for the applicants that it reflects, during quarrel arose between both the sides, deceased sustained injuries and died cannot be ruled out, at this stage.

17. Further, even general allegations have been made against all the accused including applicants.

18. Further, applicants are having no previous criminal history and they are in jail in the present matter for last more than six months.

19. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicants are entitled to be released on bail.

20. Accordingly, without expressing any opinion on the merits of the case, both the bail applications are **allowed**.

21. Let the applicants-**Ramnaresh Bind and Gullu Ram,** 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

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

or tamper with the evidence.

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

22. 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 applicants.

23. 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.

November 2, 2026
Ankita

(Sameer Jain,J.)

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