2026:AHC:210232

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30164 of 2026

Karan Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Janardan Yadav
Counsel for Opposite Party(s)	:	G.A., Rajesh Kumar Yadav

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Ms. Bindu Rani, Advocate holding brief of Sri Janardan Yadav, counsel for the applicant and Sri Rajesh Kumar Yadav, counsel for the informant as well as Sri Neeraj Kumar Sharma, learned A.G.A. for the State. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 120 of 2026, under Sections 70(1), 351(3) of B.N.S., Police Station- Jahanaganj, District- Azamgarh, during the pendency of trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 29.5.2026, whereas the first information report was lodged on 31.5.2026. The delay in lodging the first information report is fatal to the prosecution case. The victim is a major. As per the High School certificate, the age of the victim was 18 years and 11 months on the date of alleged incident. The medical examination of the victim was conducted on 01.06.2026. As per the said report, no injury was found. Further, the victim has filed an application before the trial court to the effect that an exaggerated version has been narrated in the first information report. A certified copy of the application dated 14.9.2026 is annexed as Annexure SA-1 to the supplementary affidavit. At this

stage, there is no corroborative evidence to link the applicant with the offence. It is next contended that identically placed co-accused Atish Kumar has been granted bail by this Court vide order dated 18.9.2026 passed in Criminal Misc. Bail Application No.29944 of 2026. Applicant claims parity. The applicant is in jail since 01.06.2026 having no criminal antecedents and in case he is enlarged on bail, he will not misuse the said liberty.

4. Counsel for the informant does not dispute the submissions advanced by the counsel for the applicant and on the basis of instructions submits that he has no objection if the applicant is released on bail.

5. However, learned A.G.A. for the State has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court *prima facie* finds that the first information report has been lodged belatedly. As per the High School certificate, the age of the victim was 18 years and 11 months on the date of alleged incident. The medical examination does not support the prosecution version. Identically placed co-accused Atish Kumar has been granted bail by this Court. Moreover, the applicant has no criminal antecedents and has remained confined for more than four months and after submission of the charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant **Karan Kumar**, involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 7, 2026

Manish Kr

(Vivek Varma,J.)

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