HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38152 of 2026

Rahul Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravindra Prakash Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 271 of 2026, under Sections 115(2), 351(3), 352, 105, 3(5) of B.N.S., Police Station- Dudhara, District- Sant Kabir Nagar, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The incident is alleged to have occurred on 23.06.2026, whereas the first information report was lodged on 28.06.2026. The delay in lodging the first information report is fatal to the prosecution case. According to the allegations contained in the first information report, two named accused along with an unknown person, are alleged to have abused and assaulted the son of the informant by kicks and fists. The name of the applicant was disclosed by the informant in her statement recorded under Section 180 B.N.S.S. It is contended that the said statement is an afterthought and is unreliable. The informant's son died on 07.07.2026. As per the postmortem report, the deceased sustained eight injuries. In the opinion of the doctor, cause of death is *antemortem head injury*. It is next contended that injury no.1 is fatal injury. The author of the said injury is not known. Vague and general allegations have been levelled against the applicant. No prior enmity exists between the parties. The incident had occurred at the spur of moment without any premeditation. At this stage, there is no credible evidence to establish that the applicant had the requisite knowledge or any intention to commit the alleged offence. Co-accused Rohit Kumar has been granted bail

by this Court vide order dated 15.10.2026 passed in Criminal Misc. Bail Application No.36997 of 2026. The applicant claims parity. The applicant is in jail since 9.7.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report, which was lodged belatedly. As per the postmortem report, eight injuries were found on the body of the deceased. Injury no.1 is the fatal injury. The author of the said injury is not known at this stage. Vague and general allegations have been levelled against the applicant. At this stage there is no credible evidence to establish that the applicant had the requisite knowledge or any intention to commit the alleged offence. Co-accused Rohit Kumar has been granted bail by this Court. Further, the applicant has no criminal antecedents and has remained confined for more than three months and 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 merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Rahul Kumar**, involved in the aforesaid case crime 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;

(iii) shall not pressurize the prosecution witnesses.

7. 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 27, 2026
Abhishek

(Vivek Varma, J.)

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