2026:AHC:209199

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32380 of 2026

Vikas Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Singh, Raghuvansh Misra
Counsel for Opposite Party(s)	:	Adarsh Maurya, G.A., Indra Deo Mishra, Shushil Kumar Mishra

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Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Raghuvansh Misra, counsel for the applicant, Sri I.D. Mishra, counsel for the informant and Sri V.P. Tripathi, learned A.G.A. 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. 211 of 2026, under Section 191(2), 352, 351(2), 115(2), 105 B.N.S., Police Station- Handia, District- Prayagraj, during the pendency of the 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 7.5.2026 whereas the first information report was lodged on 10.5.2026 under Sections 115(2), 352, 351(2), 110 B.N.S. The delay in lodging the first information report is fatal to the prosecution case. As per the allegations contained in the first information report, on 07.05.2026 at 11:13 P.M., during the wedding procession, a quarrel broke out, whereupon the applicant and two accused assaulted the informant's brother, Kamal Kumar with kicks and fists and hurled filthy abuses at him. Thereafter, they drove a bolero vehicle over the informant's brother and ran away. Placing reliance upon the supplementary medical report and discharge summary annexed as SA-10 to the supplementary affidavit it is contended that the informant's brother was initially admitted at Shakuntala Hospital, Handia, Prayagraj and thereafter to Acura Critical Care Hospital and the reason for admission was *road traffic accident*. The informant's brother was thereafter shifted to S.R.N. Hospital, Prayagraj where he succumbed to his injuries on 25.5.2026. Whereupon

Section 110 BNS was deleted and Section 105 BNS was added. Reliance has also been placed upon the statements of the witnesses, namely, Akhilesh Saroj, Aman, Hari Prakash and Sobhalal to contend that when the applicant was fleeing from the spot in his bolero vehicle and brought the car onto the road, Kamal Kumar (deceased) climbed onto the bonnet of the vehicle in an attempt to stop it and made efforts to prevent the applicant from fleeing. Thereafter, the deceased fell from the bonnet and his head struck against an electric pole, causing him to become unconscious. It is next contended that no prior enmity exists between the applicant and the deceased. The incident occurred due to an accident. The applicant did not had the requisite knowledge or the intention to commit the alleged offence. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 27.5.2026, having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State and counsel for the informant have 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 there was no prior enmity between the applicant and the deceased. As per the supplementary medical report and discharge summary deceased was initially admitted at Shakuntala Hospital, Handia, Prayagraj and thereafter to Acura Critical Care Hospital and the reason for admission was *road traffic accident*. According to the statements of the witnesses the deceased himself climbed onto the bonnet of a vehicle driven by the applicant. The deceased fell from the bonnet and his head struck against an electric pole, causing him to become unconscious. At this stage, there is no credible evidence to establish that the applicant had requisite knowledge or the intention to commit the alleged offence. Moreover, 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 **Vikas 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 6, 2026
Vandana

(Vivek Varma,J.)

Digitally signed by :-
VANDANA GAUTAM
High Court of Judicature at Allahabad