2026:AHC:209357

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34609 of 2026

Om Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deepak Kumar Dubey, Yadavendra Dwivedi
Counsel for Opposite Party(s)	:	G.A., Ravikant Shukla

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Yadavendra Dwivedi, learned counsel for accused applicant, Sri Ravikant Shukla, learned counsel for informant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-**Om Prakash** to enlarge him on bail in Case Crime No. 0076 of 2026, under Sections 61(2)(a), 109(1), 352, 324(2) of BNS, P.S.- Kakwan, District- Kanpur Nagar, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in FIR dated 21.08.2026 lodged belatedly by the father of injured Shravan Kumar against five persons including the accused applicant with the allegation that accused applicant has hit the motorcycle of his son by bolero. It is the contention of learned counsel that it was merely an accidental injury and there was no intention for committing such accident as the tyre of the bolero had burst and that time the son-in-law of accused applicant was taking his daughter to the hospital as she was pregnant and due to bursting of the tyre, the accident took place. Learned counsel further submits that the applicant has no criminal history. There was no intention to commit mischief or murder. Investigation is continuing and applicant is co-operating in the investigation. The accused applicant is languishing in jail since 25.08.2026. He seeks enlargement of accused on bail.

4. Learned counsel for informant and learned A.G.A. for State opposed

the bail application and submit that it is an intentional act as the accused applicant is loaded driver and there was some altercation with him. It is due to this altercation, the accused application has hit the motorcycle of injured with his bolero car. There is specific mention being made by the injured that the accused applicant was driving the car and he has tried to kill him by hitting him consistently by his bolero. He further submits that there is CCTV footage to show the involvement of the accused applicant. Hence, the bail application be rejected.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considering the medico legal report of the injured dated 16.08.2026, which shows the road traffic accident case in the medico legal report, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 7, 2026
Sharad/-

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