2026:AHC:209727

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34729 of 2026

Moola

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar Dubey, Chandra Bhan Dubey
Counsel for Opposite Party(s)	:	Deepak Singh, G.A., Jitendra Singh

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Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri C.B.Dubey, learned counsel for accused applicant, Sri Jitendra Singh, learned counsel for the informant and learned A.G.A. for State.

1A. Learned counsel for the applicant hands up the supplementary affidavit explaining the criminal history and additional document in support of bail application, the same is taken on record.

2. The present bail application has been moved by the applicant/ accused- **Moola** to enlarge him on bail in Case Crime No. 208 of 2026, under Sections 115(2), 109(1), 117(3), 351(3), 333 BNS, P.S.- Khanpur, District- Bulandshahar, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in the FIR dated 29.07.2026 lodged by Rakesh Sharma, informant with the allegation that four accused person of the same family including the accused/applicant has entered the residence and assaulted the injured and family members, due to which five persons were injured. It is further contended that weapon used were knife, iron rod, Balkati, countrymade pistol, lathi and

danda. It is further contended that out of five injured three persons suffered fracture. There is no injury of gun shot. There is no stab wound. The accused/applicant also suffered injuries as three days prior to the aforesaid incident. There was an FIR lodged by the family member of the accused/applicant Kaushal Kumar against nine persons including the informant in the present case and the injured with the allegation that the accused persons had paraded the wife of accused/applicant without clothes and also assaulted other family members. Both the parties are neighbours and there is consistent enmity continuing between them. The accused/applicant has criminal history of two cases, in one case he is acquitted and in another case charge sheet is submitted and he has not moved the bail application. The accused applicant is languishing in jail since 30.07.2026. The charge sheet is submitted. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail and submits that the grievous injuries have been sustained by the family members of the informant. The injuries are fatal in nature, which was caused with the intention to commit murder due to the dispute with regard to the encroachment of road carried out by the accused/applicant, which is the bone of contention. Hence he seeks that 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 nature and number of injuries and the previous FIR lodged by the family members of the accused/applicant, consistent enmity between the parties, who are neighbours, 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.

October 7, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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