2026:AHC:207310

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35378 of 2026

Brijesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Irshad Saifi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sr. No. 84 of 278)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Mr. Irshad Saifi learned counsel for the applicant, Sri Abhishek Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 424 of 2026, under Sections 109 (1) B.N.S., Police Station Firozabad North, District Firozabad, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations are per se false. The FIR is delayed as no time of offence is mentioned in it. The applicant is not named in the F.I.R. but his name has come up in the statement of the informant itself recorded four days after the incident as an afterthought. Even the victim has nominated the applicant but there is no test identification parade as per Section 7 of the Bhartiya Sakshya Adhiniyam as the photographs of the applicant are stated to have been shown to the victim who has identified. The applicant is in jail since 20.08.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant has not named in F.I.R. and also there

being no proper test identification parade conducted, and without expressing any opinion on the merits of the case, prima-facie the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

7. Let the applicant- **Brijesh Kumar**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 5, 2026
Suraj Srivastav

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