HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34924 of 2026

Suraj Yadav

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar Kannojia, Ashutosh Kumar Nishad, Prabhat Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Prabhat Kumar, learned counsel for the applicant, Sri R.P. Singh, learned State Law Officer and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 298 of 2026, under Sections 248(1), 238(1), 3(5), 61(2) BNS and 3/25 Arms Act, Police Station Kaptanganj, District Kushinagar, 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. He was not named as an accused in the FIR. His name was mentioned to be the person who was having the knowledge of the incident but subsequently, the case has been foisted on him. Even otherwise the case of the applicant for bail is made out, as the injury is not dangerous to life, as it was on the upper part of the leg of the injured.

5. Learned counsel for the applicant has further argued that there is a criminal history of one case assigned to the applicant, the bail application whereof is pending. The applicant is languishing in jail since 22.8.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned State Law Officer has vehemently opposed the bail application

but the submissions raised by the learned counsel for the applicant could not be disputed.

7. 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 the applicant was not named as an accused in the FIR and that the injury sustained by the injured is not dangerous to his life 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**.

8. Let the applicant- **Suraj Yadav,** who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

October 23, 2026
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad