2026:AHC:212629

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35127 of 2026

Sudhir

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Zunaid Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Mohd. Zunaid Khan, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Sudhir** to enlarge him on bail in Case Crime No. 261 of 2026, under Sections 333, 109(1), 115(2), 324(4), 351(3) BNS, P.S.- Katghar, District- Moradabad, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR is lodged on 19.05.2026 by Sanjeev Kumar Sharma, the informant with the allegation that on 16.05.2026 thereafter on 17.05.2026, the accused/applicant has entered the house of informant and assaulted his son Saurabh with fawada due to which he suffered seven injuries on his person with one grievous injury, which is the fracture of ninth rib. It is the contention of learned counsel that the FIR is delayed. The initial allegation is of 16.05.2026 that the accused/applicant has entered the house of informant with countrymade pistol in his hand. Thereafter, there is nothing in the statement of the witnesses to show the same allegation. There is also an allegation that the accused/applicant has damaged the vehicle of the informant but there is no technical investigation of the vehicle. There is recovery of fawada from the accused/applicant which is in absence of independent witnesses. The applicant has no criminal history. The charge sheet is submitted and the applicant is in jail since 17.05.2026, which shows that his arrest is prior to the lodging of the

FIR. 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.

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, apparent delay in lodging the FIR and prior arrest of the accused/applicant before lodging of the FIR, 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 9, 2026
Abhishek Sri.

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