2026:AHC:208635

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35583 of 2026

Sachin Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pravesh Kumar Tripathi, Vijendra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Anupam Anand, learned Brief Holder for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 385 of 2026, under Sections 115(2), 352, 351(3), 105, 3(5) B.N.S., Police Station- Geeda, District- Gorakhpur during pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 05.08.2026, whereas the first information report was lodged by the injured (since deceased) on 10.08.2026, under Sections 115(2), 352, 351(3) B.N.S. The delay in lodging the first information report is fatal to the prosecution case. Placing reliance upon the statements of the informant (since deceased) as well as inquest witnesses, namely, Satyajeet Singh, Shubham Singh, Vikas Singh, Alok Singh, and Triveni Singh, it is contended that the applicant and the informant on 04.08.2026 had consumed liquor and were travelling together on a scooty. It is next contended that while they were so travelling, the scooty lost its balance, and as a result whereof both of them fell down and the informant sustained injuries. The injured was examined on 05.08.2026 at Community Health Centre, Piprauli, Gorakhpur, prior to lodging of the first information report. The attending doctor advised x-ray and referred him to District Hospital. However, subsequently on 10.08.2026, the informant succumbed to the injuries sustained by him. As per the post mortem report, the deceased sustained following injuries: *Reddish swelling*

below right knee to toe, on cutting skin underneath pus present, skin peeled up over wound. In the opinion of doctor, the cause of death is '*septic shock due to antemortem injury*'. It is further contended that the deceased succumbed to the injuries sustained by him on 04.08.2026 due to accidental fall on the ground and that the applicant had not assaulted the deceased, in any manner. The applicant neither possessed the requisite knowledge nor had any intention to commit the alleged offence. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 12.08.2026 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned Brief Holder for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that the first information report has been lodged belatedly. As per the statements of the inquest witnesses, namely, Satyajeet Singh, Shubham Singh, Vikas Singh, Alok Singh, and Triveni Singh, both the applicant and the informant had consumed liquor on 04.08.2026 and were travelling together on a scooty and while they were so travelling, the scooty lost its balance, and as a result whereof both of them fell down and the informant sustained injuries. At this stage, there is no credible evidence to establish that the applicant possessed the requisite knowledge or the intention to commit the alleged offence. Further, the applicant has no criminal antecedents and has presently remained confined for more than a month and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Sachin Singh**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 6, 2026
Abhishek

(Vivek Varma, J.)

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