2026:AHC:208510

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35498 of 2026

Abhishek Kharwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajesh Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri V.P. Tripathi, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 65 of 2026, under Sections 105, 115(2) and 3(5) B.N.S., Police Station- Mehnajpur, District- Azamgarh, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The name of the applicant and six others was disclosed by the injured Otu Rajbhar. As per the postmortem report, the deceased sustained six injuries. In the opinion of the doctor, cause of death is '*coma with hemorrhagic shock due to antemortem injuries*'. A vague and general role has been assigned to the applicant. It is contended that the applicant has not been nominated as the principal offender who caused injuries on the head of the deceased. It is next contended that the applicant neither had the requisite knowledge nor any intention for committing the offence. No prior enmity existed between the parties. Further, the co-accused Anand Rajbhar and Sanni Chauhan have been granted bail by this Court vide orders dated 3.9.2026 and 15.09.2026 passed in Criminal Misc. Bail Application No.29856 of 2026 and Criminal Misc. Bail Application No.32779 of 2026, respectively. Applicant claims parity. The applicant is in jail since 9.7.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA for the State has 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 applicant was not named in the first information report. The name of the applicant and six others was disclosed by the injured Otu Rajbhar. A vague and general role has been assigned to the applicant. No prior enmity existed between the parties. The co-accused Anand Rajbhar and Sanni Chauhan have been granted bail by this Court. Further, the applicant has remained confined for almost three months 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 delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Abhishek Kharwar**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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