2026:AHC:210311

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35715 of 2026

Amit Kumar Alias Vipin Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Danish, Saif Ali Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Mohammad Danish, learned counsel for accused applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the applicant accused-**Amit Kumar Alias Vipin Kumar** to enlarge him on bail in Case Crime No. 159 of 2026, under Sections 109(1), 115(2), 324(4), 352, 351(3) of BNS, P.S.- Thakurdwara, District- Moradabad during the pendency of trial.

3. It is the contention of learned counsel for accused applicant that the accused applicant has been falsely implicated in FIR dated 27.5.2026 lodged by Sri Vijay Pal Singh the informant with the allegation that the accused applicant and another co-accused have assaulted Nitin and Kunwar Pal while they were carrying out construction on their field. It is further contended that the weapon used by the accused applicant were lathi, danda and sharp edged weapon. The specific role of assaulting on Kunwar Pal is on the accused applicant. Learned counsel for the applicant has drawn attention of this Court towards the first medico legal report, which was carried out at Community Health Centre, Moradabad wherein injury is shown as simple in nature. Later on, in a private hospital, the case summary shows the injuries as grievous in nature on the basis of NCCT head. There is no supplementary medico legal report. The injuries are simple in nature. Further medical report is fabricated. There is FIR lodged against the injured from the side of accused wherein one injured is

from the side of the accused applicant. There is difference of one hour in both the incidents. The charge sheet has been submitted. The applicant has no criminal history. The applicant is languishing in jail since 26.5.2026. He seeks enlargement of accused on bail.

4. Learned A.G.A. has opposed the bail application.

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 and inconsistent medico legal reports, the accused applicant is entitled to be enlarged 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 7, 2026
Krishna*

Digitally signed by :-
KRISHNA KUMAR
High Court of Judicature at Allahabad