2026:AHC:209903

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35704 of 2026

Ashwani Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rakesh Maurya, Saurabh Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Saurabh Shukla, learned counsel for the accused-applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Ashwani Kumar** to enlarge him on bail in Case Crime No. 426 of 2026, under Sections 140, 309(6), 352, 351(2), 3(5), 317(2) BNS, P.S.- Lanka, District- Varanasi, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been falsely implicated in F.I.R. dated 21.08.2026 by Prince Seth @ Sachin Seth, the informant with the allegation that on 02.08.2026 at about 19:00 hours one person had stopped him while he was on his way home and two persons from the back came and put a knife on his neck, forcefully dragged him to black car and taken him towards Prayagraj Highway. He was robbed of his jewellery, which he was wearing and thereafter, he was thrown away from the car. He has somehow managed to note down the number of the vehicle. It is from the registration number that the name of the accused-applicant and other co-accused was figured out. The vehicle belonged to one Poonam Devi and the accused-applicant is the friend of Jitendra, the husband of Poonam Devi. Further contended that the arrest and recovery of applicant has been made in the absence of independent witness. The other co-accused, who are having similar role, have been granted bail by the coordinate Bench of this Court. Further contended that it is no injury case. The F.I.R. is delayed. The investigation is continuing. He is cooperating in the

investigation. The applicant has no criminal history. The applicant is in jail since 22.08.2026 and hence, the applicant seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considered that the two co-accused having the similar role have been granted bail, the nature of injuries and the arrest and recovery has been made in the absence of independent witness.

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
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad