HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36436 of 2026

Om Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohd. Aslam
Counsel for Opposite Party(s)	:	G.A., Harshit Pathak

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Mohd. Aslam, learned counsel for the applicant hands up the supplementary affidavit annexing the additional documents in support of the bail application. The same is taken on record.

1A. Heard Sri Aslam, learned counsel for the accused-applicant, Sri Harshit Pathak, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Om Prakash** to enlarge him on bail in Case Crime No. 98 of 2026, under Sections 296, 333, 352, 115(2), 109(1), 351(3), 3(5) BNS, P.S.- Kotwali Nagar, District- Saharanpur, 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 30.04.2026 lodged by one of the injured Rooplal with the allegation against four named persons that they being neighbour had entered the house of the informant and assaulted the informant Rooplal, Deepak and Shalu. Further contended that Deepak suffered four injuries, wherein one is grievous in nature, which is shown as loss of his eye sight, whereas, Shalu and Rooplal suffered three and one injuries, respectively and all are simple in nature. Further contended that the weapon,

which was shown used for assault was lathi, danda and brick. Further contended that initially general allegations have been levelled against all the accused persons and later on, a specific role is attributed on the accused-applicant Om Prakash that he has assaulted Deepak with brick. The applicant has one case criminal history, wherein he is released on notice under Section 35(3) BNSS. The same was also lodged from the side of informant. The applicant and the informant are neighbours and there is consistent animosity between them. The charge sheet is submitted. The trial is still at the nascent stage. The applicant is in jail since 04.05.2026 and hence, the applicant seeks to be released on bail.

4. Learned counsel for the informant and learned A.G.A. for State have opposed the prayer for bail of the applicant and submitted that there is a specific allegation against the accused-applicant with the role attributed on him that he has assaulted with brick on the eye of Deepak, who suffered loss of his eye sight. Further contended that the accused persons used to harass Shalu, one of the injured and when there was an objection to the same, the accused persons entered the house and assaulted. Further contended that the accused-applicant is habitual criminal and hence, his bail application be rejected.

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

6. Considered prima facie, the previous enmity between the parties, who are neighbours and the nature of the injuries suffered and the weapon used.

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 28, 2026
Shivangi

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