HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36764 of 2026

Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mazhar Ullah
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and Sri N. K. Sharma, 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. 125 of 2026, under Sections 115(2), 352, 118(1) and 105 B.N.S., Police Station- Patwai, District- Rampur, during the pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. No prior enmity existed between the parties. The incident occurred at the spur of moment, without any premeditation. As per the allegations contained in the first information report, the applicant along with another co-accused, Raju is alleged to have assaulted the husband and father-in-law of the informant. The father-in-law of the informant succumbed to his injuries. As per the postmortem report, the deceased sustained two injuries namely, 1. *Traumatic swelling of size 12cm x 12cm present over left side of head, just above from left ear 2. both eyes blackened* . In the opinion of doctor cause of death is *'Cranio-cerebral damage as a result of ante mortem head injury'*. It is next contended that a vague and general role has been assigned to the applicant. The applicant neither possessed the requisite knowledge nor had any intention to commit the alleged offence. The applicant is in jail since 07.08.2026 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 no prior enmity existed between the parties. A vague and general role has been assigned to the applicant. At this stage, there is no credible evidence to establish that the applicant had the requisite knowledge or intention to commit the offence. There is no corroborative evidence to link the applicant with the offence. Moreover, the applicant has no criminal antecedents and has presently remained confined for more than two 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 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, **Rahul**, 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 24, 2026
Abhishek

(Vivek Varma, J.)

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