HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37504 of 2026

Ambika Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Saurabh Kumar Pandey
Counsel for Opposite Party(s) : Divyanshu Pathak, G.A., Hemant Shukla

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Court No. - 69

HON'BLE AVNISH SAXENA, J.

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1. Heard Sri S.K.Pandey, learned counsel for accused applicant, Sri Divyanshu Pathak, learned counsel for the informant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Ambika Yadav** to enlarge him on bail in Case Crime No. 249 of 2026, under Sections 3(5), 109(1), 115(2), 333, 352 and 351(3) BNS, P.S.- Mehnagar, District- Azamgarh, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant and informant are neighbours and there were cross fight between the parties, wherein the FIR of informant has got registered on 08.07.2026 for the incident carried out on same day at 08:00 a.m., although the FIR of accused/applicant was not registered and he has resorted to move an application under Section 173(4) BNSS against six named persons including those who have suffered injuries. It is further contended that there are 10 injured from the side of informant and four injured from the side of accused/applicant. The charge sheet is submitted. The injuries of the accused persons are unexplained injuries. The medico legal examination report shows use of hard and blunt object, some of the injured suffered grievous injuries but the same was not caused to commit murder. It was the cross fight, which led to those injuries. The use of lathi,

danda and rod is shown but there is no injuries of Gandasa (a sharp edged weapon). The accused/applicant has no criminal history. There is a civil litigation pending between the parties, which led to the cross fight between the parties. The accused/applicant is in jail since 03.08.2026. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail and submit that 10 persons suffered injuries out of which one is hospitalized and is in vegetative stage. There is no injury suffered by the accused/applicant. The applicant and the co-accused are assailants. The entire family was assaulted. Hence submits that the 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. Considering the cross fight between the parties, wherein the civil suit is pending between them, who are neighbours and cross version of the FIR, the accused/applicant is entitled to be released 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 28, 2026
Abhishek Sri.

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