HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37623 of 2026

Rihan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jitendra Bahadur Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Jitendra Bahadur Singh, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 263 of 2026, under Section 109(1) BNS, Police Station Bramhpuri, District Meerut, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations are *per se* false. The FIR has been instituted out of vengeance. The victim fell down from the lap of the applicant as he was carrying the child out of love. The injury sustained by the victim was not grievous in nature. Rather it has been opined to be simple in nature. Only one injury was observed on his body i.e. red contusion 2cm x 1cm on mid of upper lip, which cannot at all be termed to be grievous in nature, as such, applicant is entitled for bail.

5. Learned counsel for the applicant has further argued that there is a criminal history of four cases assigned to the applicant, which stands explained. The applicant is languishing in jail since 17.6.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. This Court is of the view that if a case for bail is otherwise made out, an accused cannot be kept incarcerated solely on account of his criminal antecedents. In the instant case, the criminal history assigned to the applicant has been properly explained.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the injury report, whereby it has been opined by the doctor concerned that the injury was simple in nature and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Rihan,** who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

October 23, 2026
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad