HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37592 of 2026

Tauhid

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aditya Pratap Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Aditya Pratap Mishra, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No.** 178 of 2026, **under Sections** 109(1), 351(2), 3(5) of BNS, **Police Station** - Shalimar Garden, **District** - Ghaziabad, during the pendency of trial.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present matter. It is submitted that the FIR is delayed by about two and a half days without any explanation. While the injured person has nominated the applicant as the assailant who inflicted the stab wound, it is contended that the applicant could not have caused the said injury. This is supported by a video recording of the incident, which shows co-accused Aalim s/o Imran carrying a knife, whereas the applicant is not visible carrying any sharp-edged weapon. Crucially, the co-accused Aalim has already been enlarged on bail by the trial court concerned. It is submitted that this material discrepancy indicates false implication. The applicant has no criminal history and has been in judicial custody since 24.08.2026.

5. Per contra, learned AGA has vehemently opposed the prayer for bail by contending that the medical examination of the injured was taken up promptly i.e on 17.05.2026 at about 07:17 PM and the incident is of same evening at about 06:30 PM. The said fact stands mentioned in the injury

report itself, as such, the applicant is not entitled for bail.

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel for the parties, the nature of the offence, and the severity of the prescribed punishment, as well as the unexplained delay in lodging the FIR, the video evidence indicating the role of the co-accused, and the fact that the co-accused has already been granted bail, this Court is *prima facie* of the view that a case for bail is made out.

7. Accordingly, the bail application is **allowed**. Let the applicant- **Tauhid,** be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

October 23, 2026
Siddhant

(Krishan Pahal,J.)

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad