2026:AHC:227538

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38815 of 2026

Anitesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Jaysingh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.

2. Heard Sri Jaysingh Yadav, learned counsel for the applicant and Sri Manoj Kumar Singh, learned brief holder for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.783 of 2026, under Sections 103(1), 109, 191(2), 115(2), 352, 351(3) BNS, Police Station Kotwali Lalitpur, District Lalitpur, during pendency of the trial.

4. Learned counsel for the applicant submits, however applicant is named in the FIR and as per allegation applicant alongwith six others made assault due to which one person died and one person sustained injuries but entire allegations levelled against the applicant are totally false. He next submits, even deceased died after 45 days.

5. He further argued, actually informant side was the real aggressor and due to the assault made by the informant side from the side of applicant also two persons sustained injuries and even from the applicant side also an FIR has been lodged against the deceased and other on 17.07.2026 which has been annexed alongwith supplementary affidavit dated 02.11.2026.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 29.07.2026.

7. Per contra, learned brief holder however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

8. I have heard both the parties and perused the record of the case.

9. However, applicant is named in the FIR alongwith others and as per allegation due to the assault made by the applicant side one person died and one person sustained injuries but it reflects, deceased died after 45 days and even only general role has been assigned to all the accused.

10. Further, even from the record it reflects, from the side of applicant also an FIR was lodged against the informant side including the deceased Badam Singh and even from the side of applicant also two persons sustained injuries therefore prima facie it appears to be a case of free fight.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 29.07.2026.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

14. Let the applicant - **Anitesh** 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

November 2, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad