HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37569 of 2026

Umair

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Deeksha Gupta, Siddharth Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Siddharth Srivastava, learned counsel for accused applicant and learned A.G.A. for State.

2. The accused/applicant has already been enlarged on bail in order dated 08.10.2026 in Crl. Misc. Bail Application No. 34940 of 2026 passed in Case Crime No. 334 of 2026, under Sections 3(5), 109(1), 115(2), 118(1), 125(A), 333, 351(3), 352 BNS, P.S.- Kotwali, District- Azamgarh, during the pendency of trial. The relevant paragraph of the order dated 08.10.2026 is reiterated underneath:-

> "....
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> 2. The present bail application has been moved by the applicant/ accused-Umair to enlarge him on bail in Case Crime No. 334 of 2026, under Sections 3(5), 109(1), 115(2), 118(1), 125(A), 333, 351(3), 352 BNS, P.S.- Kotwali, District- Azamgarh, during the pendency of trial.
> 3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in the FIR dated 23.06.2026 lodged by Raees Ahmad, one of the injured with the allegation that three accused including the accused/applicant had entered the house and assaulted the informant and his family members, namely, Hamza, Zaid, Shayad, who suffered injuries. Further submits that initially co-accused Sami went to take the bread, who was intercepted by the injured and was assaulted for which FIR has been lodged by Abu Talha one of the family members of the accused/applicant against the injured persons that they have assaulted Sami and other co-accused. Later on, it is alleged that they have entered house of the informant and assaulted. He submits that this is incorrect version of the FIR as the cross fight was carried out instantly, which is reflected from the FIR lodged from the side of accused. There are three injured from the side of the accused/applicant. Further submits that

accused/applicant has no criminal history. Both sides suffered injuries and they being neighbours are consistently inimical with each other. The charge sheet is submitted. The accused applicant is languishing in jail since 06.08.2026. 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 the injuries suffered by Riyaz is grievous in nature as his nasal bone is found fractured. He submits that there is also a knife injury from the accused/applicant as specific role and as such, the bail application be rejected.

4A. Countering the argument, learned counsel for the applicant submits that the accused/applicant was not present at the spot. There is inconsistent medico legal report as initially there is reported no abnormality detected, which was later on found to be fracture on nasal bone.

.....

6. Considering the nature and number of injuries and cross version of FIR, wherein both sides suffered injuries, the accused/applicant is entitled to be released on bail."

3. After the grant of bail, the charge sheet is also submitted in added section [Section 117(2) BNS], hence seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. As the accused/applicant has already been enlarged on bail in major sections pertaining to factual matrix of the case, as such, the bail application is allowed, the accused/applicant be released on bail on same bail bonds.

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 same bail bonds 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.

October 29, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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