2026:AHC:227651

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37741 of 2026

Shubham Saroj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. On 24.10.2026, the instant matter was adjourned because despite notice, learned Government Advocate could not received instructions in the matter in time. It further reflects, on 24.10.2026 while adjourning the matter this Court directed the Superintendent of Police, Jaunpur to look into the matter and take necessary action against the erring officer. It was also directed that Superintendent of Police, Jaunpur shall also apprised this Court through his personal affidavit that what steps have been taken by him so as in future again such negligence should not be committed by the police officer.

2. Pursuant to the order dated 24.10.2026 passed by this Court, learned AGA filed personal affidavit of Sri Yeshveer Singh, Superintendent of Police, Jaunpur and from the personal affidavit of S.P. concerned it reflects, an inquiry has been set up and after inquiry appropriate action will be taken against the responsible officer.

3. Further, in the personal affidavit S.P. concerned also assures this Court that all necessary measures and action will be taken so as in future no inconvenience should be caused to this Court due to non receiving the instructions by learned AGA.

4. Considering the personal affidavit filed by S.P. concerned in view of this Court no further order is required. The instant bail application is being heard on merit.

Order on bail application

1. Heard Sri Manoj Kumar Yadav, learned counsel for the applicant and Sri

Ashutosh Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 243 of 2026, under Sections 191(2), 191(3), 115(2), 103(1), 352, 351(3), 3(5) BNS, Police Station Kerakat, District Jaunpur during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is named in the FIR along with four others and according to the FIR applicant and others made assault due to which deceased sustained injury and died but entire allegations leveled against applicant are totally false.

4. He further submits, actually informant side was the real aggressor and due to the assault made by them from the side of applicant two persons sustained injuries and immediately FIR of applicant was not lodged as applicant has been sent to jail but subsequently when from the side of applicant application under Section 173(4) BNSS was moved then court concerned treated the application as complaint case and order passed by court concerned has been annexed at page-68 of the paper-book and therefore prima facie it cannot be said that applicant side was the real aggressor.

5. He further submits, even only general role has been assigned to all the accused in the FIR however when the statement of informant was recorded during investigation then he stated that applicant made assault through iron rod on the head of the deceased and thereafter other witnesses started reiterating his statement but this fact suggests that during investigation informant intentionally made the applicant prime accused. He next submits, if applicant would have caused injury to the deceased then this fact would have definitely been mentioned by the informant in the FIR.

6. He further submits, even from the post mortem report it reflects, deceased sustained two injuries but only one injury on his head, therefore, it reflects, during dispute arose between applicant and informant side deceased sustained injury and died.

7. He further submits, even from the post mortem report it could not be reflected, applicant was having any intention to cause death of the deceased.

8. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 16.06.2026.

9. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

10. I have heard learned counsel for the parties and perused the record of the case.

11. However, from the statement of informant and other eye witnesses it reflects, they assigned specific role of causing head injury to the deceased to the applicant but in the FIR only general role has been assigned by the informant to all the accused.

12. Further, in the incident from the side of applicant also two persons sustained injuries and however from applicant's side FIR could not be lodged but when applicant's side moved an application against the informant side under Section 174(3) BNSS then this application has been treated as complaint case and therefore, prima facie it appears, there is cross version and prima facie at this stage it cannot be said that applicant was the real aggressor.

13. Further, even from the post mortem report it reflects, deceased sustained single fatal injury on his head and considering the facts of the case, the argument advanced by learned counsel for applicant that it reflects, during dispute suddenly deceased sustained injury and died cannot be ruled out at this stage.

14. Further, even considering the post mortem report of the deceased prima facie it cannot be said that applicant was having any intention to cause death of the deceased.

15. Further, applicant is not having any criminal history and in the present matter he is in jail since 16.06.2026.

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

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

18. Let the applicant - Shubham Saroj 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.

19. 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.

20. 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.

November 2, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad