HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37773 of 2026

Saudaan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amit Singh
Counsel for Opposite Party(s)	:	Rohit Kumar Kushwaha, Anju Kushwaha, G.A., Gagan Pratap Singh

---

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri Gagan Pratap Singh, learned counsel for the informant as well as Sri Anupam Anand, learned Brief Holder for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 328 of 2026, under Sections 191(2), 191(3), 190, 115(2), 131, 352, 126(2), 110 and 105 of B.N.S., Police Station-Kosikalan, District- Mathura, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. As per the allegations contained in the first information report, five named accused are alleged to have assaulted the informant, his father and three others. Father of the informant, subsequently succumbed to his injuries. As per the postmortem report, a single injury was found on the head region. In the opinion of the doctor, cause of death is *shock and haemorrhage due to antemortem injury*. The name of the applicant and six others were subsequently disclosed by the informant in his application dated 29.5.2026. It is contended that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury on the head of the deceased. It is next contended that identically placed co-accused Jahurddin has been granted bail by this Court vide order dated 22.9.2026 passed in Criminal Misc. Bail Application No.33693 of 2026. Applicant claims parity. The applicant is in jail since

12.8.2026 having no criminal antecedents and in case, he is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that the applicant was not named in the first information report. The names of the applicant and six others were subsequently disclosed by the informant in his application dated 29.5.2026. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injury on the head of the deceased. Further, identically placed co-accused Jahurddin has been granted bail by this Court. Moreover, the applicant has no criminal antecedents and has remained confined for more than two months and after submission of charge sheet there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant Saudaan, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;
(ii) shall not tamper with the prosecution evidence;
(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 24, 2026
Manish Kr

(Vivek Varma,J.)

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