HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38245 of 2026

Brahmsharan @ Brahmasaran

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	J Shubham, Jitendra Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicant and 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.158 of 2026, under Section 105 B.N.S., Police Station- Kotwali, District- Ghaziabad, during the pendency of the trial.

3. Counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident had occurred on 15/16.5.2026. The deceased died on 20.5.2026. The inquest proceedings were conducted on the same day. The informant was also one of the inquest witnesses. In the opinion of the inquest witnesses, the deceased died on account of the injuries sustained by him. The postmortem was also conducted on the same day. In the opinion of the doctor, the cause of death is *'shock and haemorrhage due to antemortem injuries'*. The first information report was got registered by the brother of the deceased on 04.06.2026 alleging that the co-accused Nishchal Jain had informed the wife of the deceased about the incident on 16.5.2026. It is next contended that the delay in lodging the first information report is fatal to the prosecution case. Non disclosure of the name of the applicant in the inquest proceedings also creates doubt on the prosecution case. It is next contended that the informant is not an eye-witness to the alleged incident. Only on the basis of suspicion the applicant has been implicated. Further, the arrest of identically placed co-accused Nishchal Jain has been stayed by this Court vide order dated 04.08.2026 passed in Criminal Misc. Writ Petition No.14706 of 2026. The applicant is in jail since 19.8.2026 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 first information report has been lodged belatedly. The informant was one of the inquest witnesses but he has not disclosed the name of the applicant in the inquest proceedings, which renders the prosecution case doubtful. The informant is not an eye-witness to the alleged incident. The arrest of identically placed co-accused Nishchal Jain has been stayed by this Court. At this stage, there is no corroborative evidence to link the applicant with the offence. Further, the applicant has no criminal antecedents and has remained confined for more than two months and 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 **Brahmsharan @ Brahmasaran**, 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 27, 2026

Manish Kr

(Vivek Varma,J.)

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