HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38466 of 2026

Jitendra Kumar

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shashi Kant Sharma, Subodh Kumar Rai
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N. K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 151 of 2026, under Section 105 B.N.S., Police Station- Cantt., District- Prayagraj during pendency of the trial.

3. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 04.07.2026, whereas the first information report was lodged on 14.07.2026. The inordinate delay in lodging the first information report is fatal to the prosecution case. The husband of the informant was admitted at Tej Bahadur Sapru Hospital, Prayagraj on 04.07.2026 at 9:30 p.m. The attending doctor diagnosed *'acute gastritis due, chronic alchoholism'*. He was discharged on 06.07.2026 at 2:30 a.m. During the course of investigation, the Investigating Officer recorded the statements of witnesses namely, Shanti Devi and Jebi Bano, who stated that upon commotion and loud noises between 3:00 to 3:30 a.m., they came out of their respective homes and saw that the applicant and co-accused Irfan assaulting a person. Shortly thereafter, the police and a hospital security guard arrived at the spot. Further, the police thereafter took the informant's husband to the hospital for treatment, where he subsequently died. It is contended that the said statements are unreliable. Neither any report was lodged by the police authorities at the relevant time nor there is any medical report. It is next contended that had the aforesaid two persons witnessed the incident, they would have informed the police authorities about the incident. It is further contended that the aforesaid two persons have not been cited as witness in the charge-sheet. At this stage, there is no

corroborative evidence to link the applicant with the offence. Co-accused Irfan has been granted bail by this Court vide order dated 12.10.2026 passed in Criminal Misc. Bail Application No.33527 of 2026. Applicant claims parity. The applicant is in jail since 14.07.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the liberty of bail.

4. Learned Brief Holder for the State 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. As per the statements of the witnesses namely, Shanti Devi and Jebi Bano, the police and the hospital guard arrived at the place of incident and the police took the informant's husband, however, no first information was lodged by the police authority. At this stage, there is no corroborative evidence to link the applicant with the offence. Co-accused Irfan has been granted bail by this Court. Further the applicant has presently remained confined for almost three 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 intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Jitendra Kumar** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

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 28, 2026
Abhishek

(Vivek Varma,J.)

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