2026:AHC:210533

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43640 of 2025

Pintu @ Banti Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arvind Prabodh Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Arvind Prabodh Dubey, learned counsel for the applicant, Sri B.P. Singh, learned counsel for the first informant, Sri Chandra Shekhar Saran, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 91 of 2024 under Section 304 IPC registered at Police Station Pipraich, District Gorakhpur during pendency of the trial.

3. It has been argued by learned counsel for the applicant that applicant has been falsely implicated in the present case and the alleged incident is said to have taken place at the spur of the moment without any premeditation in a sudden fight between the applicant and the deceased and applicant has also received injuries on his person. It is next submitted that as per the FIR it is alleged that applicant hit the deceased with a brick on his head as a result of which, the deceased Sudarshan received five ante mortem injuries on his person i.e. lacerated wound of size 4cm x 2 cm on left side of forehead, lacerated wound of size 6cm x 2 cm on top of head, abrasion on left side cheek of 2cm x 2cm, contused swelling present on left arm 10cm below left shoulder and lacerated wound of size 7cm x 2 cm on left lower leg. It is further submitted that applicant has been languishing in jail since 06.2.2024 and the trial is not likely to conclude in near future. It is also submitted that the applicant undertakes that he will not misuse the liberty, if granted. It has

also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

5. On the other hand, learned A.G.A. as well as learned counsel for the first informant opposed the prayer for grant of bail to the applicant and submits that applicant is son of the deceased and he is said to have assaulted his father by a brick on his head as a result of which, he received five ante mortem injuries on his person and died.

6. As per the FIR, a sudden fight is said to have erupted between the applicant and the deceased and the applicant is said to have hit the deceased with a brick on his head due to which, he received five ante mortem injuries on his person. As per the postmortem report, cause of death of the deceased is ante mortem head injury. It is submitted that the alleged incident is said to have taken place at the spur of the moment without any intention to cause death, therefore, the offence does not fall within the ambit of murder. A pplicant has been languishing in jail since 06.2.2024 and the trial is not likely to conclude in near future.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant **Pintu @ Banti Nishad** involved in the aforementioned crime be released on bail, on his furnishing a personal bond of Rs.50,000/- with one surety in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any 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 to any police officer

or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of ***Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021*** decided on 31.01.2023 reported in ***(2024) 10 SCC 685.***

(Jitendra Kumar Sinha,J.)

October 7, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad