2026:AHC:231554

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39827 of 2026

Vinod

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhilasha Singh, Ashutosh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Ms. Abhilasha Singh, 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. 190 of 2026, under Sections 126(2), 109(1), 103(1), 351(3), 3(5), 238, 61(2) BNS, Police Station Zarifnagar, District Budaun during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is named in the FIR along with others and according to the FIR applicant along with others made assault due to which deceased died and one Rakesh sustained injuries but admittedly informant of the case was not the eye witness and from the FIR it reflects, he lodged FIR on the basis of information given by Rakesh, who was along with deceased.

4. She next submits, when the statement of Rakesh, the injured of the case, was recorded by the Investigating Officer then he did not even disclose the name of applicant and this fact suggests that FIR is false and baseless.

5. She next submits, when second statement of injured was recorded then though he disclosed the name of applicant but even did not state that he also caused injury to the deceased, however, according to him after taking his mobile he made assault upon injured from the mobile on his head.

6. She next submits, actually deceased accidentally sustained injury and died and in the incident Rakesh also sustained injury and this fact is even evident from the inquest report which was conducted even before the FIR which has

been annexed along with instant bail application. She next submits, FIR of the present case was lodged after three days and this fact again suggests that prosecution story is false and baseless.

7. She next submits, applicant is not having any criminal history and in the present matter he is in jail since 13.08.2026.

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

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

10. However, applicant is named in the FIR along with four others and according to the FIR when deceased was along with Rakesh then applicant and others made assault due to which both sustained injury and deceased died but admittedly informant of the case was not the eye witness.

11. From the record of the case it reflects, witness Rakesh was the star witness who was allegedly along with deceased and was also injured witness and even from the FIR it reflects, on the information given by him it was lodged but in the first statement he did not disclose the name of applicant.

12. Further, however, it reflects, when second statement of injured was recorded then though he disclosed the name of applicant but did not state that applicant also caused injury to the deceased, however, according to him after taking his mobile he made assault upon him from the mobile on his head.

13. Further, it also reflects, there is delay of three days in lodging the FIR and before the FIR inquest has been conducted and from the inquest it reflects, deceased was taken to the hospital and in the hospital it was informed that it is a case of accidental death and even informant of the case was one of the inquest witness. Considering the overall facts and circumstances of the case prima facie prosecution story appears to be doubtful.

14. Further, applicant is not having any criminal history and in the present matter he is in jail since 13.08.2026.

15. Therefore, considering the facts and circumstances of the case discussed

above, in my view, applicant is entitled to be released on bail.

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

17. Let the applicant - **Vinod** 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.

18. 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.

19. 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 5, 2026
AK Pandey

(Sameer Jain,J.)

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