2026:AHC:231116

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39762 of 2026

Sonu @ Avinash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.

2. Heard Sri Pankaj Kumar Mishra, learned counsel for the applicant and Sri Abhishek Mishra, learned A.G.A. for the State and also perused the material placed on record.

3. Applicant seeks bail in **Case Crime No.** 247 of 2026, **under Sections** 191(2), 191(3), 109, 115(2), 352, 351(3), 333 of BNS, **Police Station** - Bakewar, **District** - Etawah, during the pendency of trial.

4. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present matter. It is submitted that there is a distinct cross-version to the incident, as three persons from the side of the applicant also sustained injuries during the altercation. In respect of this cross-version, an application u/s 173(4) of the BNSS was preferred before the Magistrate concerned, who, vide order dated 11.09.2026, has treated the matter as a complaint case. Learned counsel argues that at this stage, it cannot be conclusively determined which party was the actual aggressor. Furthermore, it is contended that there is an unexplained delay of about eleven hours in lodging the FIR. The applicant has no prior criminal antecedents and has been in judicial custody since 05.10.2026.

5. Considering the facts and circumstances of the case, the submissions advanced by the learned counsel for the parties, the nature of the accusation, the severity of the prescribed punishment, and particularly the existence of a

cross-version involving injuries on both sides making the determination of the primary aggressor a matter of trial, alongside the unexplained delay in lodging the FIR, the applicant's clean criminal history, and the period of incarceration already undergone, this Court *prima facie* finds it a fit case to release the applicant on bail.

6. Accordingly, the bail application is **allowed**. Let the applicant- **Sonu @ Avinash,** be released on bail on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

7. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

November 5, 2026
Siddhant

(Krishan Pahal,J.)

Digitally signed by :-
SIDDHANT SAHU
High Court of Judicature at Allahabad