2026:AHC:209584

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45806 of 2025

Bishnu Chauhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajeev Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rajeev Kumar Srivastava, learned counsel for the applicant who has filed supplementary affidavit today which is taken on record, Sri B.P. Maurya, 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. 308 of 2025 under Sections 103(1) BNS registered at Police Station Ghughali, District Maharajganj 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 no weapon of offence has been assigned to the applicant and the from the facts and circumstances of the case, no intention to cause death can be gathered. It is next submitted that initially, FIR was lodged under section 105 BNS and chargesheet was submitted under section 103(1) BNS. It is further submitted that applicant has criminal history of one case which has been duly explained in the supplementary affidavit and he has been languishing in jail since 09.8.2025. 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 the deceased was an infirm and old lady aged about 65 years and the applicant beaten her mercilessly in connection with some dispute over property, due to which, she died.

6. As per the FIR, applicant is said to have assaulted his grandmother by fists, legs and elbow as a result of which, she died. As per the postmortem report, the deceased received five ante mortem injuries on her person namely contused traumatic swelling in an area 16cm x 16cm on right side face, right forehead, all around right eye, on cutting haematoma present underneath lower jaw fractured and blood clots present

over meninges and brain; contused traumatic swelling 10cm x 8cm over left eye and upper part left side forehead including left cheek, on cutting haematoma present underneath blood clots present over meninges and brain; lacerated would 5cm x 1cm on right side face; swelling on both side chest, on cutting rib no.2nd to 8th fractured of both side with tear of both pleura and lung with tear of liver, thoracic and abdominal cavity contains about 1.2 litre of mixed clotted blood; and contusion 4cm x 2cm on dorsal aspect of distal end of right forearm, on cutting haematoma present. The cause of death of the deceased has been shown as hemorrhagic shock due to ante mortem injuries. It is submitted that from the facts and circumstances of the case, no intention to cause death of the deceased can be gathered. Applicant has criminal history of one case which has been duly explained in the supplementary affidavit and he has been languishing in jail since 09.8.2025.

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 **Bishnu Chauhan** involved in the aforementioned crime be released on bail, on his 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 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.***

October 6, 2026
Madhurima

(Jitendra Kumar Sinha,J.)

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