



2026:AHC:114739

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10678 of 2025

Jitendra Prasad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rahul Singh, Ranjeet Asthana, Ravi
Prakash Singh

Counsel for Opposite Party(s) : Ashutosh Kumar Pandey, G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Ravi Prakassh Singh, learned counsel for the applicant and Sri B.P. Singh, learned AGA for the State-respondents and Sri Surendra Kumar Shukla, holding brief of Sri Ashutosh Kumar Pandey, learned counsel for the first informant 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 2024, under Sections 115(2), 351(2), 109, 352 BNS and 4/25 Arms Act, registered at Police Station Chandauli, District Chandauli, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case and he has been languishing in jail since 6.1.2025. It is further submitted that though the applicant has been assigned specific role of assault by sharp edged weapon on the two injured, however, injuries have not been found to be dangerous to life. It is further submitted that the applicant has been languishing in jail for the last 16 months and the trial is proceeding at very slow pace and examination-in-chief of PW-1 has been recorded so far and the said witness has not turned up before the trial Court on

subsequent dates for recording of his cross-examination. 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.

4. On the other hand, learned counsel for the first informant and learned A.G.A. have opposed the prayer for grant of bail to the applicant and it is submitted that the applicant has been assigned specific role of assault by sharp edged weapon on two injured who are father-in-law and mother-in-law and they have received grievous injuries of incised wound on their person.

5. Though the applicant has been assigned specific role of assault by sharp edged weapon on his father-in-law and mother-in-law and they have received grievous injuries, however, trial is proceeding at very slow pace and only examination-in-chief of PW-1 has been recorded so far and the said witness has not turned up before the trial Court on subsequent dates for recording of his cross-examination

6. Upon considering the totality of facts, nature and the evidence reflected from record and larger manage of Article 32 of the Constitution of India and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is **ALLOWED**.

7. Let the applicant- **Jitendra Prasad** involved in the aforesaid case crime be released on bail on his furnishing a personal bond of Rs. 50,000/- with 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 not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

May 18, 2026
Abhishek