



2026:AHC:91815

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 37972 of 2025

Rajveer Singh Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Biswajeet Mukherjee, Kamal Krishna Roy, Ramesh Kumar, Vineet Vikram
Counsel for Opposite Party(s) : Brajesh Pratap Singh, G.A.

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. Heard Sri R.C.Yadav, learned Advocate, holding brief of Sri Vishwa Jeet Mukherji, learned counsel for the applicant, Sri Brijesh Pratap Singh, learned counsel for the informant and Sri Vijay Kumar, learned AGA-I, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.190 of 2025, under Sections 299, 196,353, 61(2), 338, 336(3) and 340(2) BNS, Police Station Kotwali City, District Mirzapur during pendency of the trial.
3. Learned counsel for the applicant submits that FIR of the present case was lodged against co-accused Saroj Sargam with the allegation that she hurt the sentiments of the Hindu Community by using abusive language against Hindu Deity but during investigation when her statement was recorded by Police then she stated that applicant was the person who provided material to her which she used in her songs and after the statement of co-accused Saroj Sargam who was nominated in the FIR, applicant has also been made accused in the present matter.
4. He further submits that apart from the statement of co-accused Saroj Sargam before the Police, as per prosecution from the possession of the applicant a book was also recovered which also hurt the feelings of the Hindu Community but admittedly that book has not been written by applicant though applicant is the editor of the book.

5. He further submits, merely being Editor of alleged book it cannot be said that applicant also hurt the religious sentiments of a community.

6. He further submits that however as per allegation due to the conduct of the applicant religious sentiments of a community has been hurt but there is no evidence that due to this any public order has also been disturbed.

7. He further submits that FIR of the present case was lodged on 23.9.2025 and immediately thereafter through the statement of nominated co-accused Saroj Sargam applicant has been made accused and he has been arrested on 25.9.2025, i.e., within two days but in two days award of Rs. 25,000/- has been declared against him and this shows high handedness of the Administration.

8. He further submits that in paragraph-17 of the affidavit filed in support of the instant bail application applicant has specifically made an averment that at the time of arrest ground of arrest has not been communicated to the applicant and thus his arrest was in violation of the law laid down by the Apex Court in the case of **Vihaan Kumar Vs. State of Haryana and another , (2025) 5 Supreme Court Cases 799.**

9. He next submits that even in the counter affidavit filed by State in paragraph-9 this fact has been admitted that the ground of arrest has not been supplied to the applicant at the time of his arrest and, therefore, in view of the observations made by Apex Court in the case of **Vihaan Kumar (Supra)**, applicant is entitled to be released on bail.

10. He further argued that however, apart from the present case applicant is having criminal history of two other cases but his criminal history has been explained in the paragraph-28 of the affidavit filed in support of the instant bail application and in one case relates to Case Crime No. 271 of 2025 applicant has been made accused subsequent to the present case and another case is of the year 2017 and in this case no summon has been served to him.

11. He further submits that in the present matter applicant is in jail since 26.9.2025, i.e., for the last more than six months.

12. He further submits that therefore, considering the overall facts and circumstances of the case, including the material collected by Investigating Officer during investigation and incarceration of applicant, he should be released on bail.

13. Per contra, learned AGA as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that due to conduct of the applicant and co-accused Saroj Sargam sentiments of Hindu Community have been badly hurt and as applicant is the Editor of one highly objectionable Book therefore it cannot be said that he did not hurt the sentiments of Hindu Community.

14. They however could not dispute the fact that except the statement of co-accused recorded before the Police and the fact that applicant is Editor of a controversial book there is no other evidence against him.

15. They also could not dispute the fact that there is no evidence that due to the conduct of the applicant any public order has been disturbed.

16. They also could not dispute the fact that at the time of arrest the ground of arrest has not been communicated to the applicant.

17. They however further submitted that apart from the present case, applicant is having criminal history of two cases including a case relating to Case Crime No. 271 of 2025 in which also with regard to similar allegation like present case he has been made accused but they again could not dispute the fact that in this case applicant has been made accused after the present case.

18. Learned AGA as well as learned counsel for the informant also could not dispute the fact that however, applicant has been arrested within two days but in spite of that award of Rs. 25,000/- has been declared against him.

19. They further could not dispute the fact that all the offences are triable by Magistrate and applicant is in jail for the last more than six months.

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

21. However, as per allegation applicant and co-accused Saroj Sargam hurt the religious sentiments of Hindu Community but it reflects that applicant was not named in the FIR and in the FIR the allegation of hurting the religious sentiment was only against co-accused Saroj Sargam.

22. It reflects that during investigation applicant has been made accused in the present matter through the statement of nominated co-accused Saroj

Sargam recorded before the Police. Record also suggests that however, apart from the statement of co-accused there is also allegation that applicant is the Editor of one of controversial book which hurts religious sentiments and except above evidence, there is no other evidence against the applicant on record.

23. As per allegation applicant also hurt the sentiments of Hindu Community but there is no evidence that either due to his act or conduct public order has ever been disturbed.

24. Further, however, it appears award of Rs. 25000/- has been declared against applicant as according to prosecution applicant was evading his arrest but it reflects applicant has been arrested in the present matter within two days and therefore prima facie it cannot be said that he was trying to evade his arrest.

25. Further, apart from the present case applicant is having criminal history of two other cases but in one case he has been made accused subsequent to present matter and another case is of the year 2017.

26. Further, all the alleged offences are triable by Magistrate and except offence under Section 338 BNS all the alleged offences are punishable with maximum punishment of seven years and in the present case applicant is in jail for the last more than six months.

27. Further, law is settled that unless proven guilty, an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose

28. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

30. Let the applicant -**Rajveer Singh Yadav** 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.

31. 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.

32 . 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.

April 23, 2026
SKM

(Sameer Jain,J.)