



2026:AHC:161943

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 25964 of 2026

Afsar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ramajan Ahmad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Hasan Parvej Advocate holding brief of Sri Ramajan Ahmad, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 42 of 2026, under Sections 103(1), 238 BNS, Police Station Ghazipur, District Fathepur, during pendency of the trial.
3. Learned counsel for the applicant submitted that nobody was named in the FIR but during investigation applicant, who was brother of the deceased has been made accused along with his mother on the ground that as deceased developed relationship with one non-muslim, therefore, they have committed her murder but entire allegations levelled against the applicant are totally false.
4. He further submits that even after considering the entire facts in detail mother of the deceased, namely, Afsana has been released on bail by this Court vide order dated 8.7.2026 passed in Criminal Misc. Bail Application No.22932 of 2026 and case of applicant is at par with her.
5. He further submitted that applicant is not having any criminal history and he is in jail in the present matter since 9.3.2026.
6. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

8. However, as per allegation applicant, who was brother of the deceased, along with his mother committed the murder of the deceased because according to them she developed relationship with one non-muslim, but it is a case of circumstantial evidence and considering entire facts in detail mother of the deceased, Afsana has been released on bail by this Court and the case of applicant is at par with her.

9. Further, applicant is having no criminal history to his credit and he is in jail in the present matter since 9.3.2026.

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

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

12. Let the applicant-**Afsar**, 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.

13. 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.

14. 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.

(Sameer Jain,J.)

August 4, 2026

SKM