



2026:AHC:162572

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 25989 of 2026

Arpit Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Akash Yadav, Vipin Kumar Yadav
Counsel for Opposite Party(s)	: G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Arvind Kumar Srivastava, learned Advocate, filed his power on behalf of the informant, which is taken on record.
2. Heard Sri Vipin Kumar Yadav, learned counsel for the applicant, Sri Arvind Kumar Srivastava, learned counsel for the informant and Sri Imran Khan, learned AGA, for the State.
3. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Case Crime No.30 of 2026, under Section 103(1) read with Sections 3(5), 61(2) and 351(3) BNS, Police Station Bharthana, District Etawah during pendency of the trial.
4. Learned counsel for the applicant submits that however, applicant is named in the FIR along with two others and according to the FIR applicant developed illicit relationship with the wife of the deceased, i.e, co-accused Pooja and he and co-accused Pooja along with co-accused Sarvesh Kumar committed the murder of the deceased but entire allegations levelled against the applicant are totally false.
5. He further submits that however, as per prosecution applicant was having illicit relationship with the wife of the deceased, i.e, co-accused Pooja but this allegation is totally false.
6. He further submits that except suspicion and the fact that as per prosecution when applicant was arrested then from his possession one bloodstained Shirt was recovered there is no other cogent evidence against the applicant on record.

7. He further submits that even alleged recovered shirt could not be connected with the instant crime.

8. He next argued that it is a case of circumstantial evidence and there is no cogent and admissible evidence against the applicant on record on the basis of which prima facie it can be said that applicant committed the murder of the deceased.

9. He further argued that even co-accused Sarvesh Kumar has already been released on bail by Coordinate Bench of this Court and his bail order has been annexed at page 79 of the paper book.

10. He further submits that applicant is not having any previous criminal history and in the present matter 10.2.2026, i.e, for almost six months.

11. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that as applicant developed illicit relationship with the wife of the deceased, i.e., co-accused Pooja and, therefore, both were having strong motive to commit murder of the deceased but with regard to evidence available on record they could not dispute the argument advanced by the learned counsel for the applicant.

12. They however additionally submitted that applicant along with the deceased was seen on a motorcycle on the date of incident by one Shubham and even he was arrested along with co-accused Pooja and, therefore, it reflects, they were having relationship and committed the murder of the deceased.

13. They further submitted that considering the facts and circumstances of the case, the instant bail application should be dismissed.

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

15. It is a case of circumstantial evidence and as per prosecution applicant had illicit relationship with the wife of the deceased, i.e, co-accused Pooja and therefore, both along with co-accused Sarvesh Kumar committed the murder of the deceased but except suspicion and the fact that after arrest from the possession of the applicant one bloodstained shirt was recovered, there is no other cogent and admissible evidence against the applicant on record.

16. It further reflects that alleged recovered shirt could not be connected with the instant crime.

17. In view of this Court, without any other corroborative evidence on the basis of above facts prima facie at this stage it cannot be said that applicant committed the murder of the deceased along with co-accused Pooja.

18. Law is settled that however, grave is suspicion but it cannot take the place of proof.

19. Further, even co-accused Sarvesh Kumar has already been released on bail by Coordinate Bench of this Court.

20. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 10.2.2026, i.e., for almost six months.

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

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

23. Let the applicant-**Arpit Kumar** 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 her 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 her 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.

24. 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.

25. 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