



2026:AHC:167306

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26350 of 2026

Asgar Ali

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Prashant Vyas, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A., Manu Srivastava, Shriyanshi Upadhyay

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Vijay Kumar, learned AGA-I for the State submits, however, vide order dated 30.07.2026 this Court directed the Investigating Officer of the case to present before this Court in person along with pen drive of alleged incident and case diary of the case but due to ongoing Kanwar Yatra unfortunately Investigating Officer of the case could not present before this Court but in his place Sri Vimal Kishor, Sub Inspector of Police Station Civil Lines, District Rampur is present in person before this Court and he is having pen drive of the alleged incident along with case diary of the case.

2. On the direction of this Court, learned AGA produced the pen drives of alleged incident in triplet in the sealed cover which is being opened after breaking the seal before learned Senior Advocates appearing on behalf of applicant and informant and learned AGA. One of the pen drive of alleged incident is being played on the monitor.

3. After playing the pen drive before learned counsel for applicant, learned counsel for informant and learned AGA, the pen drive after removing from monitor has been sealed again and after sealing the same it has been returned to learned AGA who in front of this Court handed it over to S.I. Vimal Kishor of Police Station Civil Lines, District Rampur.

4. Counter affidavit filed by the informant and rejoinder affidavit filed by the applicant are taken on record.

5. Heard Sri G.S. Chaturvedi, learned Senior Advocate assisted by Sri Prashant Vyas, learned counsel for the applicant, Sri Manish Tiwary, learned

Senior Advocate assisted by Sri Manu Srivastava and Ms. Shriyanshi Upadhyay, learned counsel for informant and Sri Vijay Kumar, learned AGA-I for the State.

6. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 57 of 2026, under Sections 103(1), 115(2), 352, 296 BNS and Section 3/27/30 Arms Act, Police Station Civil Lines, District Rampur during pendency of the trial.

7. Learned Senior Advocate appearing on behalf of applicant submits, however, as per allegation, applicant by causing firearm injury committed the murder of the deceased in his office but entire allegations leveled against applicant are totally false.

8. He further submits, even as per prosecution, there is CCTV footage of the alleged incident and Pen drive of which has been played before this Court and from its perusal however it reflects, from the pistol of the applicant fire was made but from the video it is apparent that the incident occurred in heat of passion during scuffle.

9. He further submits, even from the video it is apparent that deceased entered in the office of applicant and started quarreling with him and after the altercation the incident occurred and from the video it could not be reflected, applicant intentionally caused firearm injury to the deceased.

10. He further submit, even in the present case applicant also sustained firearm injury and his medical report has been annexed at page-157 of the paper-book and prosecution did not explain his injury and this fact again suggest applicant is innocent. He next submits, CCTV footage of the incident completely belies the statements of eye witnesses.

11. He further submits, applicant is a public servant and he could not even think to commit such heinous offence in his office and as deceased prima facie appears to be aggressor therefore dispute arose between applicant and deceased and during scuffling suddenly from the pistol of the applicant fire was opened which unfortunately hit the deceased and he died.

12. He further submits, from the video and even from the facts of the case it could not be reflected, applicant was having any intention to commit the murder of the deceased.

13. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 13.02.2026 i.e. for last more than six months.

14. Per contra, learned AGA as well as learned Senior Advocate appearing on behalf of informant vehemently opposed the prayer for bail and submit, applicant though is a public servant but he illegally carried his licensed pistol in his office and not only this during incident he also used the same due to which deceased sustained injury and died.

15. They further submit, deceased was practicing advocate and however from the video it reflects, he started quarreling with the applicant but thereafter applicant chased him up to the door alongwith his pistol and thereafter again scuffling started and during scuffle he opened fire which hit the deceased due to which he died and prima facie at this stage even from perusal of the video of the alleged incident it cannot be said that applicant was not having any intention to commit murder of the deceased and under sudden provocation incident occurred. They further submit, even in the present matter applicant is in jail only since February, 2026.

16. They further submit, therefore, considering the facts and circumstances of the case instant bail application may be dismissed.

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

18. As per allegation, applicant was a public servant and he was posted as Senior Clerk in Jila Panchayat Office Rampur and in the office he by opening fire from his licensed pistol committed the murder of the deceased.

19. It reflects, the incident has been captured in the CCTV footage, therefore, on the insistence of learned counsel for applicant and informant with the consent of learned AGA this Court called the pen drive of alleged incident and before the learned counsel for the parties in the Court the same was played and after seeing the footage/video this Court prima facie found that in the office of applicant altercation started between applicant and deceased and thereafter applicant drew his licensed pistol and chased the deceased up to the door and thereafter during scuffle fire was opened from his pistol which hit the deceased. From the footage it also reflects, at the time of incident applicant was having pistol in his hand. In view of this

Court considering above facts prima facie at this stage it cannot be said that applicant is innocent.

20. Further, even applicant is a public servant and he was not authorized to carry his licensed pistol in his office but in spite of that he carried the same in his office and also used his firearm due to which deceased died who was a young practicing advocate.

21. Further, even applicant is in jail only since 13.02.2026.

22. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

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

24. 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.

August 10, 2026
AK Pandey

(Sameer Jain,J.)