



2026:AHC:164996

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26417 of 2026

Pawan Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Raghuvansh Misra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Raghuvansh Misra, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA, 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.07 of 2026, under Sections 103(1), 190, 238(A), 140(1), 191(2), 191(3) and 61(2) BNS and Section 3/25 Arms Act, Police Station Sajeti, District Kanpur Nagar during pendency of the trial.
3. Learned counsel for the applicant submits that FIR of the present case was lodged on 7.12.2025 at Police Station Sachendi against unknown persons after recovery of unknown body but subsequently case was transferred at Police Station Sajeti on 7.1.2026.
4. He further submits that during investigation identity of the dead body was fixed by father of the deceased, namely, Chhavinath Yadav and on 3.1.2026 he moved an application that one Neetu Babu informed him on 3.12.2025 that on 29.11.2025 applicant along with three others beaten the deceased and thereafter on 3.1.2026 Investigating Officer recorded the statement of Neetu Babu and he also reiterated the version of the application moved by father of the deceased and thereafter Investigating Officer recorded the statements of two witnesses and they tried to give evidence of last seen against the applicant and thereafter applicant was arrested and after taking him on remand as per prosecution on his pointing out one burnt shirt of the deceased and a country made pistol allegedly used in the instant crime was recovered.

5. He further submits that except above evidence there is no other evidence against the applicant on record.
6. He further submits that all the above evidences have been created by the prosecution after one month from the date of recovery of dead body.
7. He further submits that as it is apparent from the application of informant that on 3.12.2025 one Neetu Babu has already informed him about assault made by applicant and another co-accused but in spite of that he remained mum for more than a month and therefore the information furnished by Neetu Babu prima facie appears to be doubtful.
8. He further submits that it is a case of circumstantial evidence and there is no cogent and admissible evidence against the applicant on record and considering the facts of the case all the above alleged evidences prima facie appear to be doubtful and merely on the basis of such shaky evidence prima facie at this stage it cannot be said that applicant committed the murder of the deceased.
9. He further argued that even till date the alleged recovered country made pistol could not be connected with the instant crime.
10. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 19.1.2026.
11. Per contra, learned AGA opposed the prayer for bail and submits that apart from the present case applicant is having criminal history of one another case but he fairly conceded, that case relates to minor offence. He could not dispute the other argument on facts advanced by the learned counsel for the applicant.
12. I have heard learned counsel for the parties and perused the record of the case.
13. It is a case of circumstantial evidence and name of the applicant has been surfaced in the present matter very belatedly after one month from the date of alleged recovery of dead body of the deceased.
14. Further, even from the application moved by father of the deceased it reflects that about one month before one witness had already informed him that applicant and three others made assault upon the the deceased

but in spite of that this information earlier had not been given by father of the deceased and therefore, application dated 3.1.2026 prima facie appears to be doubtful.

15. Further, however, apart from the statement of Neetu Babu as per prosecution two witnesses also gave evidence of last seen against the applicant but as this evidence of last seen also surfaced quite belatedly after more than one month from the date of recovery of the dead body of the deceased therefore, prima facie this evidence also appears to be doubtful.

16. Further, however, as per prosecution applicant was arrested after about three weeks and after taking him on remand burnt shirt of the deceased and a country made pistol, which was allegedly used by applicant in the instant crime was recovered on his pointing out but prima facie alleged recovery also appears to be doubtful.

17. Further, in view of this Court in the absence of any corroborative evidence merely on the basis of above recovery prima facie at this stage it cannot be said that applicant committed the murder of the deceased especially considering the fact that till date alleged recovered country made pistol could not be connected with the instant crime.

18. Further, apart from the present case applicant is however having criminal history of one another case and his criminal history has not been explained in the instant bail application but that case relates to minor offence relating to Section 323 IPC and, therefore, in view of this Court merely on this ground it is not proper to withhold the bail application of the applicant.

19. Further, in the present matter applicant is in jail since 19.1.2026, i.e., for the last more than six months.

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

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

22. Let the applicant-**Pawan Pandey** 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.

23. 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.

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.

(Sameer Jain,J.)

August 6, 2026
SKM