



2026:AHC:169463

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26558 of 2026

Raghvendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Akhilesh Kumar Tiwari, Prabhakant Singh, Ram Prakash Sharma
Counsel for Opposite Party(s)	: Dinesh Kumar Yadav, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri P.K. Singh, learned counsel for the applicant, Sri Dinesh Kumar Yadav, learned counsel for informant and Sri Shatruhan Yadav, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 437 of 2025, under Sections 103(1), 238(a), 238(b), 352 BNS, Police Station Kotwali, District Maharajganj during pendency of the trial.
4. Learned counsel for the applicant submits, FIR of the present case was lodged on 04.08.2025 against applicant and according to the FIR on 01.06.2025 applicant had taken the husband of the informant and he did not return and it appears, after committing his murder he concealed his dead body but entire allegations made against applicant are totally false.
5. He further submits, as per prosecution, applicant had taken the deceased on 01.06.2025 thereafter he did not return but instead of that FIR of the present case was lodged on 04.08.2025 i.e. after two months through an application under Section 173(4) BNSS and even application under Section 173(4) BNSS was moved on 25.06.2025 i.e. after more than three weeks, therefore, it reflects, after three weeks informant cooked up a false story with regard to evidence of last seen and implicated the applicant in the present matter.

6. He further submits, except the evidence of last seen and recovery of iron pipe on the pointing out of applicant there is no cogent evidence against the applicant on record.

7. He further submits, evidence of last seen is also reflected from the statement of one Shiv Murat Yadav but FIR is highly belated and statement of Shiv Murat Yadav was recorded on 05.05.2026 i.e. after ten months from the date of lodgement of the FIR. He further submits, however alleged recovery of iron pipe on the pointing out of applicant is false and planted but even till date the same could not be connected with the instant matter.

8. He further submits, merely on the basis of above evidence prima facie at this stage it cannot be said that applicant committed the murder of the deceased.

9. He further submits, FIR of the present case was lodged on 04.08.2025 and applicant is in jail since May, 2026 but he is not an absconder and actually during investigation Investigating Officer could not collect any evidence against the applicant, therefore, earlier he could not arrest the applicant but after recording the statement of Shiv Murat Yadav who gave evidence of last seen applicant was arrested and therefore, it cannot be said that applicant is an absconder.

10. He further submits, applicant is not having any criminal history.

11. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail but could not dispute the argument on facts advanced by 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 except evidence of last seen and recovery of iron pipe on the pointing out of applicant it reflects, there is no cogent evidence against the applicant on record. It reflects that prima facie evidence of last seen is doubtful as FIR of the present case was lodged after two months through an application under Section 173(3) BNSS and even application under Section 173(4) BNSS was moved after three weeks and statement of Shiv Murat Yadav, who gave evidence of last seen was recorded after ten months from the date of FIR.

14. Further, till date the alleged recovered iron pipe could not be connected with the instant crime.

15. Further, in view of this Court on the basis of above evidence prima facie it cannot be said that applicant committed the murder of the deceased. It reflects there is no cogent evidence which can connect the applicant with the instant crime.

16. Further, however, it reflects, FIR of the present case was lodged on 04.08.2025 and applicant is in jail since May, 2026 but considering the averment made in supplementary affidavit it cannot be said that applicant is an absconder.

17. Further, applicant is not having any criminal history.

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

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

20. Let the applicant - **Raghvendra Singh** 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.

21. 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.

22. 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 12, 2026
AK Pandey

(Sameer Jain,J.)