



2026:AHC:161109

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26764 of 2026

Sachin Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vindesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Ms. Deepanshi Srivastava, learned Advocate filed her power on behalf of informant, today in the Court, which is taken on record.
2. Heard Sri Vindesh Kumar, learned counsel for the applicant, Ms. Deepanshi Srivastava, learned counsel for informant and Sri Manoj Kumar Singh, learned Brief Holder for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 249 of 2026, under Sections 103(1), 238(kha), 3(5) BNS, Police Station Puwayan, District Shahjahanpur during pendency of the trial.
4. Learned counsel for the applicant submits, it is a case of circumstantial evidence and FIR of the present case was lodged against unknown persons. He further submits, as per FIR on 26.04.2026 brother of informant who was taxi driver had gone on booking on phone and subsequently his dead body was found. He further submits, during investigation name of applicant was disclosed on the ground, applicant book the taxi but entire allegation leveled against applicant is totally false.
5. He further submits, during investigation, Investigating Officer recorded the statements of some witnesses who stated that they witnessed the applicant and other accused along with deceased in his taxi but on the basis of their statements prima facie it cannot be said that applicant was along with deceased in his taxi with other accused. He further submits, prosecution could not connect the applicant with the instant crime.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 28.04.2026.

7. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, however, it is a case of circumstantial evidence and during investigation name of applicant was disclosed but from the parcha of the case diary which has been annexed at page-48 of the paper-book it is apparent that applicant from his phone booked the vehicle of the deceased and even number of witnesses witnessed him along with other accused while he was sitting in the car along with deceased and therefore prima facie it cannot be said that applicant is innocent specially considering the fact that applicant did not explain the circumstances alleged by the prosecution. They further submit, even in the present matter applicant is in jail only since 28.04.2026 i.e. last three months.

8. They further submit, therefore, considering the above facts of the case instant bail application may be dismissed.

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

10. However, it is a case of circumstantial evidence and nobody was named in the FIR but according to the prosecution deceased was taxi driver and on the call of applicant his taxi was booked and thereafter he has been murdered.

11. Further, during investigation it was found that applicant on 26.04.2026 i.e. on the date of incident called the deceased and he booked the vehicle of the deceased.

12. Further, even during investigation it was also revealed that applicant was sitting in the car along with deceased and other accused and this fact is evident from the statements of number of witnesses recorded by the Investigating Officer during investigation. However, as per learned counsel for applicant these witnesses were interested witnesses but veracity of their statements can only be checked by the trial court during trial.

13. Further, even applicant instead of explaining the circumstance that after booking the vehicle what happened made averment in para-27 of the affidavit that applicant runs a mobile shop and somebody used his phone for booking the vehicle of the deceased, therefore, he is innocent. The defence

taken by the applicant prima facie appears to be false and no reliance can be placed on it at this stage.

14. Further, even in the present matter applicant is in jail only since 28.04.2026 i.e. last three months.

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

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected** at this stage.

17. 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 3, 2026
AK Pandey

(Sameer Jain,J.)