



2026:AHC:172278

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 26790 of 2026

Mohd. Waseem @ Kabootar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Krishna Mohan Tripathi, Shadab Ali,
Sr. Advocate

Counsel for Opposite Party(s) : Abhishek Kumar Jaiswal, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shadab Ali and Sri Krishna Mohan Tripathi, learned counsel for the applicant, Sri Abhishek Kumar Jaiswal, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.0069 of 2026, under Sections 103(1), 61(2)(a) BNS, Police Station Kareli, District Allahabad, during pendency of the trial.

3. Learned counsel for the applicant submits, applicant was not named in the FIR and as per FIR father of the informant was sitting in his shop and named co-accused alongwith their associates by causing firearm injury committed his murder.

4. He next submits, during investigation it was found that one Sufiyan was the eye-witness and however when his statement was recorded by the investigating officer then he disclosed the name of applicant but he neither in his statement under Section 180 BNSS nor under Section 183 BNSS assigned the role of causing injury to the deceased to the applicant and according to him accused Rashid by causing firearm injury committed murder of the deceased and postmortem report suggests, deceased sustained only single injury.

5. He next submits, applicant is not having any criminal history and in the

present matter he is in jail since 10.04.2026.

6. Per contra, learned AGA as well as learned counsel for the informant however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

8. It reflects, applicant was not named in the FIR and his complicity was revealed during investigation through statement of co-accused Sufiyan who was sole eye-witness. It reflects, his statement was recorded by the investigating officer under Section 180 BNSS and even under Section 183 BNSS by the Magistrate but from the perusal of his statements it could not be reflected that he assigned the role of causing injury to the deceased to the applicant and according to him co-accused Rashid Durrani was the accused who by causing firearm injury committed the murder of the deceased.

9. Further, even postmortem report suggests, deceased sustained only one firearm injury.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 10.04.2026.

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

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

13. Let the applicant - **Mohd. Waseem @ Kabootar** 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.

14. 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.

15. 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 13, 2026

Shahroz