



2026:AHC:162585

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26860 of 2026

Mithilesh Patel Urf Makarkandi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohammad Samnani Ali, Pramod Kumar Singh, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Today, power has been filed by Sri Dhiraj Singh, Advocate on behalf of informant, which is taken on record.
2. Heard Sri Saghir Ahmad, learned Senior Advocate assisted by Sri Pramod Kumar Singh, learned counsel for the applicant, Sri Anubhav Mishra, learned Advocate holding brief of Sri Dhiraj Singh, learned counsel for informant and Sri Imran Khan, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 30 of 2026, under Sections 103(1), 238, 3(5) BNS, Police Station Koraon, District Prayagraj during pendency of the trial.
4. Learned Senior Advocate appearing on behalf of applicant submits, however, as per allegation applicant along with other named accused including co-accused Lalu Patel @ Kapil Deo and Virendra Kumar @ Pappu had taken the deceased from his house on 24.01.2026 at 7.30 PM in the evening and thereafter they committed the murder of the deceased but entire allegation leveled against applicant is totally false.
5. He further submits, post mortem report of the deceased suggests that the same was conducted on 26.01.2026 at 3.30 PM and as per autopsy surgeon deceased died about one and half days before and therefore according to autopsy surgeon deceased might have died in the morning on 25.01.2026, therefore, there is no proximity of time between alleged evidence of last seen and estimated time of death of the deceased.

6. He further submits, even after considering entire facts of the case co-accused Lalu Patel @ Kapil Deo has been released on bail vide order dated 14.07.2026 passed in Criminal Misc. Bail Application No. 21164 of 2026 and co-accused Virendra Kumar @ Pappu has been released on bail vide order dated 21.07.2026 passed in Criminal Misc. Bail Application No. 24761 of 2026 and case of applicant is at par with them.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 30.01.2026 i.e. for last more than six months.

8. 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.

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

10. It is a case of circumstantial evidence and as per allegation applicant and other co-accused had taken the deceased from his house and thereafter committed his murder but it reflects, except the evidence of last seen there is no other evidence against the applicant on record. Considering the post mortem report of the deceased the evidence of last seen prima facie appears to be doubtful.

11. Further, even two co-accused Lalu Patel @ Kapil Deo and Virendra Kumar @ Pappu have been released on bail by this Court and case of applicant is at par with them.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 30.01.2026 i.e. for last more than six months.

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

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

15. Let the applicant - **Mithilesh Patel @ Makarkandi** 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.

16. 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.

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 4, 2026
AK Pandey

(Sameer Jain,J.)