



2026:AHC:163688

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27085 of 2026

Keshav @ Kesar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sumit Jaiswal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Sumit Jaiswal, learned counsel for the applicant and Sri Ajay Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 457 of 2025, under Sections 103(1), 238, 61(2), 3(5), 115(2) and 140(1) BNS, Police Station Shikarpur, District Bulandshahar, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that FIR of the present case was lodged against unknown person after recovery of unknown body.
4. He further submitted that when during investigation it was revealed that dead body was of one Shivam then thereafter his brother moved an application on 28.12.2025 and in the application he stated that his brother i.e. deceased was in the establishment of co-accused Vicky and he developed illicit relationship with his wife and therefore, co-accused Vicky alongwith his associates including applicant committed his murder and thus, name of the applicant has been disclosed in the present matter through the application dated 28.12.2025 moved by brother of the deceased.
5. He further submitted that except suspicion, bald and verbal allegation, there is no other cogent evidence against the applicant on record.
6. He further submitted that even co-accused Vicky who, prima facie, appears to be principal accused has already been released on bail by this Court with a very detailed and reasoned order dated 1.7.2026 passed in CrI. Misc. Bail Application No. 21207 of 2026 and case of applicant is on better

footing than him.

7. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 10.2.2026 i.e. for last almost six months.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments 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 it reflects, except suspicion and statement of co-accused and confessional statement of applicant before the police there is no other cogent evidence against the applicant on record.

11. Further, co-accused Vicky who appears to be prime accused has been released on bail by this Court with a very reasoned and detailed order and case of applicant is on better footing than him.

12. Further, applicant is having no criminal history and he is in jail in the present matter for last almost 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-**Keshav @ Kesar**, 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 5, 2026
Ankita

(Sameer Jain,J.)