



2026:AHC:163522

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27099 of 2026

Sachin Giri Alias Shiva

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Yadav, Karunesh Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Karunesh Pratap Singh, learned counsel for the applicant and Sri Vijay Bahadur Maurya, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.161 of 2026, under Sections 191(2), 103(1), 140(1), 352, 238, 351, 3(5) BNS, Police Station Khajni, District Gorakhpur, during pendency of the trial.
4. Learned counsel for the applicant submits, FIR of the present case was lodged on 25.05.2026 at 15:47 hours against as many as 13 persons (non-applicant) and 8-10 unknown persons and according to the FIR named accused persons alongwith their unknown associates committed murder of son of the informant but during investigation when investigation officer recorded the statement of brother of the deceased namely Abhijeet then he claimed himself to be the eye-witness and alongwith named accused he also disclosed the named of the applicant and two others.
5. He next submits, actually nobody could see the real incident including the witness Abhijeet and this fact is evident from the inquest report which has been annexed at page-36 of the paper-book.
6. He further argued, inquest report suggests, dead body of the deceased was lying and on the information inquest was conducted before the FIR

and thereafter family members of the deceased were informed and thus this fact completely belies the statement of the witness Abhijeet, the brother of the deceased.

7. He next submits, there is no cogent evidence against the applicant which can connect him with the instant crime.

8. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 30.05.2026.

9. Per contra, learned AGA however opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

10. I have heard both the parties and perused the record of the case.

11. However, applicant was named in the FIR but informant of the case was not the eye-witness. It reflects, name of the applicant was first time surfaced in the instant matter through the statement of the witness Abhijeet, the brother of the deceased who claimed himself to be the eye-witness but it reflects, inquest was conducted before the FIR of the present case and from the inquest report it reflects, the dead body of the deceased was lying somewhere and after information inquest was conducted and after that family members of the deceased were informed and thereafter FIR was lodged. Considering this fact, this Court finds merit in the argument advanced by learned counsel for the applicant that above fact completely belies the statement of Abhijeet, the brother of the deceased as prima facie it could not be reflected that anybody could see the real incident including him.

12. Further, it reflects, except the statement of witness Abhijeet and confessional statement of co-accused before the police there is no other evidence against applicant on record.

13. Further, however apart from the present case applicant is having criminal history of two other cases but both the cases relate to minor offences.

14. Further, in present matter applicant is in jail since 30.05.2026.

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

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

17. Let the applicant - **Sachin Giri Alias Shiva** 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.

18. 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.

19. 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 5, 2026

Shahroz