



2026:AHC:163625

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27193 of 2026

Rakesh Kumar Saw

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Ms. Pratibha Jaiswal, learned counsel for the applicant and Sri Ghanshya Mishra, learned brief holder for the State.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.31 of 2025, under Sections 103(1), 238, 61(2)A, 140(1), 140(3), 142, 54 BNS, Police Station Hathinala, District Sonbhadra, during pendency of the trial.
3. Learned counsel for the applicant submits that applicant is one of the brother of the deceased and as per allegation as his sister performed marriage with one Dukhan against the wishes of applicant, therefore, he along with his two brothers, namely, Rahul and Awadhesh committed their murder.
4. She next submits that however, it is a case of double murder but it is a case of circumstantial evidence and there is no cogent evidence against the applicant on record.
5. She further submits that even after considering the entire facts in detail co-accused Rahul @ Siddharth the brother of applicant has been released on bail by this Court and his bail order has been annexed at page 70 of the paper book. She next submits that even another brother of applicant Awdhesh Kumar Saav has also been released on bail by this Court vide order dated 31.7.2026 passed in Criminal Misc.Bail Application No. 26600 of 2026 and case of applicant is exactly at par with them.

6. She further submitted that applicant is having no criminal history and he is in jail in the present matter since 04.11.2025 i.e. for last more than nine months.

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

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

9. However, it is a case of double murder and as per allegation applicant along with his two brothers committed the murder of his sister and her husband as she against their wishes performed marriage with the deceased Dukhan but it is a case of circumstantial evidence and prima facie there is no cogent evidence against the applicant and his brothers which can connect them with the instant crime. Further, even after considering the entire facts both the brothers of the applicant, namely, Rahul @ Sidharth and Awdhesh Kumar Saav have already been released on bail by this Court and the case of applicant is at par with them.

10. Further, applicant is having no criminal history and he is in jail in the present matter since 04.11.2025 i.e. for last more than 9 months.

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 - **Rakesh Kumar Saw** 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 5, 2026

Shahroz