



2026:AHC:163650

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27208 of 2026

Arjun

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Kuldeep Kumar, Shiv Sharan
Tripathi, Yash Garg
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Ram Krishna Yadav, advocate filed his power on behalf of the informant which is taken on record.
2. Heard Sri Shiv Sharan Tripathi, learned counsel for the applicant, Sri Ram Krishna Yadav, learned counsel for the informant 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.140 of 2025, under Sections 103(1), 191(2), 191(3), 190, 352, 351(3) BNS, Police Station Khaga, District Fatehpur, during pendency of the trial.
4. Learned counsel for the applicant submits, applicant is not named in the FIR and FIR of the present case was lodged against six persons and according to the FIR named accused persons assaulted the husband of the informant and co-accused Naval Kishor caused firearm injury to him however, it reflects, informant of the case was not the eye-witness.
5. He next submits, however informant who was though not the eye-witness and he did not disclose the name of applicant in the FIR but when her statement under Section 180 BNSS was recorded then she alongwith named accused also disclosed the

name of applicant and two others.

6. He further argued, however eye-witnesses also including son of the informant Aman disclosed the name of applicant but as earlier informant had already disclosed the name of applicant and therefore they also started making allegation against applicant.

7. He further argued, even from the statements of these eye-witnesses it reflects, they assigned only general role to all the accused. He next submits, however from the postmortem report it reflects, deceased sustained as many as 24 injuries but as applicant was not named in the FIR and he has been made accused during investigation therefore he prima facie appears to be innocent.

8. He next submits, actually applicant never participated in the incident but during investigation on the basis of false allegation he has been made accused in the present matter.

9. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 12.05.2026.

10. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submit, however applicant was not named in the FIR but informant of the case disclosed his name in her statement recorded by the investigation officer and even eye-witnesses also disclosed his name. They further submits, considering numbers of the injuries sustained by the deceased it cannot be said that applicant is innocent.

11. They further submits, therefore considering above facts the instant bail application may be dismissed.

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

13. However, postmortem report suggests, deceased sustained

as many as 24 injuries and therefore it appears to be a case of brutal murder but applicant was not named in the FIR.

14. Further, however informant of the case was not the eye-witness but in spite of that he disclosed the name of the applicant in her statement recorded under Section 180 BNSS.

15. Further, however after recording the statement of the informant when investigating officer recorded statements of other witnesses who were eye-witnesses then they also disclosed the name of applicant alongwith others but considering the fact that before their statements informant had already disclosed the name of applicant in her statement recorded during investigation the argument advanced by learned counsel for the applicant with regard to false implication of the applicant cannot be ruled out at this stage specially considering the fact that all the eye-witnesses attributed only general role to all the accused.

16. Further, applicant is not having any criminal history and in the present matter he is in jail since 12.05.2026.

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

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

19. Let the applicant - **Arjun** 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.

20. 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.

21. 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

Shahroz

(Sameer Jain,J.)