



2026:AHC:168879

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27262 of 2026

Shambhunath

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Satya Prakash Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Awadhesh Pratap Singh, learned Advocate holding brief of Sri Satya Prakash Singh, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 42 of 2026, under Sections 103(1), 304, 317(2) BNS, Police Station Parasrampur, District Basti during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown persons with regard to murder of mother of informant but after two months very casually informant disclosed the name of applicant on the basis of suspicion and merely on the basis of suspicion applicant has been made accused in the present matter.
4. He further submits, however, after arrest of applicant as per prosecution on his pointing out one small knife was recovered which was allegedly used by him in commission of instant crime and from his possession Rs. 1700/- were also recovered which he received after selling the nose pin of the deceased but except these evidences there is no cogent evidence against him on record.
5. He further submits, there is no evidence that the alleged recovered Rs. 1700/- were received by the applicant after selling the nose pin of the deceased. He further submits, on the basis of above evidence prima facie at this stage it cannot be said that applicant committed the murder of the

deceased.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 20.04.2026.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument 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. It is a case of circumstantial evidence and it reflects, after two months very casually on the basis of suspicion raised by informant of the case applicant has been made accused in the present matter.

10. Further, however, as per prosecution, even on the pointing out of applicant one small knife and Rs. 1700/- were recovered which he obtained after selling the nose pin of the deceased and except these evidence and confessional statement of applicant before police there is no cogent evidence against him on record. Further, even till the alleged recovered knife could not be connected with the instant crime.

11. In view of this Court, without any corroborative evidence merely on the basis of above recoveries prima facie it cannot be said that applicant committed the murder of the deceased.

12. This Court finds merit in the argument advanced by learned counsel for applicant that in the present matter there is no cogent evidence which can connect the applicant with the instant crime.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 20.04.2026.

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

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

16. Let the applicant - **Shambhunath** 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.

17. 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.

18. 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 12, 2026
AK Pandey

(Sameer Jain,J.)