



2026:AHC:165330

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27551 of 2026

Muzahid Alias Muzzi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Garun Pal Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Garun Pal Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 316 of 2025, under Sections 103(1), 351(3) BNS, Police Station Shergarh, District Mathura during pendency of the trial.
3. Learned counsel for the applicant submits, however, as per allegation, applicant along with co-accused Rizwan by causing axe injury committed the murder of the deceased on the exhortation of two other accused but entire allegations leveled against applicant are totally false.
4. He further submits, informant of the case was not the eye witness and during investigation two eye witnesses namely Ansar and Rahul came forward and they however reiterated the version of the FIR in their statements recorded during investigation but during trial they have been declared hostile as they did not support the prosecution case.
5. He further submits, except above two witnesses there is no other eye witness account. He further submits, as the alleged eye witnesses did not support the prosecution case therefore chances of conviction of the applicant in the present matter appear to be quite remote.
6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 22.10.2025.
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. However, as per allegation, applicant along with co-accused Rizwan caused axe injury to the deceased due to which she died but it reflects, informant of the case was not the eye witness.

10. Further, as per prosecution, incident has been witnessed by two eye witnesses namely Ansar and Rahul and however during investigation they supported the prosecution case but during trial they did not support the prosecution case and have been declared hostile.

11. Considering the fact that both the alleged eye witnesses have been declared hostile, this Court finds merit in the argument advanced by learned counsel for applicant that after their statements recorded before the trial court, the chances of conviction of the applicant in the present matter is quite remote.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 22.10.2025.

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 - **Muzahid @ Muzzi** 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 7, 2026
AK Pandey

(Sameer Jain,J.)