



2026:AHC:165840

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27611 of 2026

Sumit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aryan Srivastava, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Rishabh Srivastava, Advocate holding brief of Sri Aryan Srivastava, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I for the State-respondent.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 460 of 2025, under Sections 103(1), 351(3), 61(2) BNS, Police Station Mubarakpur, District Azamgarh during pendency of the trial.
3. Learned learned counsel for the applicant submits, applicant was not named in the FIR and FIR was lodged against five named accused and some unknown persons with regard to murder of the father of the informant.
4. He further submits, during investigation applicant has been made accused with the aid of Section 61(2) BNS. He further submits, as per prosecution, he hatched the conspiracy along with other accused for commission of murder of the deceased.
5. He further submits, except the bald and verbal allegation there is no admissible evidence of hatching the criminal conspiracy against the applicant on record.
6. He further submits, during investigation along with applicant co-accused Yogendra Kumar Yadav was also made accused with the aid of Section 61(2) BNS and he has been released on bail and his bail order has been annexed at page-67 of the paper-book and case of applicant is at par with him.

7. He further submits, however, apart from the present case applicant is having criminal history of three other cases including the cases under Section 376 IPC and under the provisions of POCSO Act and U.P. Gangsters Act but in case relating to provisions of U.P. Gangsters Act applicant has been made accused on the basis of present case and in case under Section 376 IPC he is on bail.

8. He further submits, considering the evidence available against the applicant on record it is not proper to withhold the bail application of the applicant on the basis of his criminal history.

9. He further submits, in the present matter applicant is in jail since 04.11.2025 i.e. for last more than eight months.

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

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

12. It reflects, applicant was not named in the FIR and during investigation with the aid of Section 61(2) BNS he has been made accused in the present matter along with others including co-accused Yogendra Kumar Yadav.

13. Further, except the statement of co-accused and confessional statement of applicant before the police it reflects, there is no cogent evidence of conspiracy against the applicant.

14. Further, co-accused Yogendra Kumar Yadav, who was also made accused during investigation with the aid of Section 61(2) BNS has been released on bail by the co-ordinate Bench of this Court and case of applicant is at par with him.

15. Further, however, apart from the present case applicant is having criminal history of three other cases including case under Section 376 IPC and case under the provisions of POCSO Act and U.P. Gangsters Act but in case of U.P. Gangsters Act applicant has been made accused on the basis of present case. Further, in all the above cases applicant is on bail except in the case of U.P. Gangsters Act.

16. Further, in the present matter applicant is in jail since 04.11.2025 i.e. for

last more than eight months.

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-**Sumit**, 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 7, 2026
Ankita

(Sameer Jain,J.)