



2026:AHC:166855

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27725 of 2026

Aman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Bishram Tiwari, Ritesh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Ms. Deepanshi Srivastava, learned Advocate filed her power on behalf of informant, today in the Court, which is taken on record.
2. Heard Sri Bishram Tiwari and Sri Ritesh Singh, learned counsels for the applicant, Ms. Deepanshi Srivastava, learned counsel for informant and Sri Shatruhan Yadav, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 249 of 2026, under Sections 103(1), 238(B), 3(5) BNS, Police Station Powayan, District Shahjahanpur during pendency of the trial.
4. Learned counsels for the applicant submit, it is a case of circumstantial evidence and after 18 days very casually on the basis of evidence of last seen, applicant has been made accused in the present matter along with co-accused Sachin and except the evidence of last seen there is no other cogent evidence against the applicant on record.
5. They further submit, however, bail application of co-accused Sachin Kumar has been rejected by this Court vide order dated 03.08.2026 passed in Criminal Misc. Bail Application No. 26764 of 2026 but case of applicant is distinguishable from him as he was the person who booked the vehicle of the deceased.
6. They further submit, applicant is not having any criminal history and in the present matter he is in jail since 28.04.2026.

7. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, applicant also involved in the present matter along with other accused including co-accused Sachin Kumar but they could not dispute the fact that the name of applicant was first time surfaced in the present matter after 18 days and except evidence of last seen there is no other evidence against him on record.

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 18 days applicant has been made accused in the present matter through the evidence of last seen and even evidence of last seen appears to be doubtful.

10. Further, even law is settled that merely on the basis of evidence of last seen conviction of a person is ordinarily not possible.

11. Further, however bail application of co-accused Sachin Kumar has been dismissed by this Court but he appears to be prime accused who booked the vehicle of the deceased and therefore case of applicant is distinguishable from him.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 28.04.2026.

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 - **Aman** 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 10, 2026
AK Pandey

(Sameer Jain,J.)