



2026:AHC:166746

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27741 of 2026

Pankaj Chaudhary

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hanuman Deen Verma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Ripusudan, learned Advocate apprised the Court that he has filed his power on behalf of informant in the office of this Court on 07.08.2026, therefore, his name could not be shown in the cause list.

2. Heard Sri Hanuman Deen Verma, learned counsel for the applicant, Sri Ripusudan, learned counsel for informant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 139 of 2026, under Sections 103(1) BNS, Police Station Walterganj, District Basti during pendency of the trial.

4. Learned counsel for the applicant submits, FIR of the present case was lodged by father of the applicant against unknown persons with regard to murder of his brother but during investigation he along with applicant has been made accused merely on the basis of suspicion. He further submits, except suspicion and old enmity there is no cogent evidence against the applicant on record which can connect him with the instant crime.

5. He further submits, as per prosecution, when applicant was arrested then on his pointing out one brick was recovered which was allegedly used by him in the crime but alleged recovered brick till date could not be connected with the instant crime.

6. He further submits, even in absence of any corroborative evidence merely on the basis of above recovery prima facie at this stage it cannot be said that applicant committed the murder of the deceased.

7. He further submits, even after considering the entire facts of the co-accused Shiv Kumar Chaudhary, the father of the applicant has been released on bail by this Court vide order dated 31.07.2026 passed in Criminal Misc. Bail Application No. 2678 of 2026 and as far as evidence is concerned, the case of applicant is at par with him.

8. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 21.06.2026.

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

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

11. FIR of the present case was lodged by the father of the applicant against unknown persons with regard to murder of his brother i.e. murder of uncle of the applicant but it reflects, during investigation applicant and his father, who was informant of the case, have been made accused in the present matter.

12. Record further suggests that it is a case of circumstantial evidence and except suspicion and some previous enmity, there is no cogent evidence against the applicant on record.

13. Further, after considering the entire facts of the co-accused Shiv Kumar Chaudhary, the father of applicant has been released on bail by this Court and case of applicant is at par with him.

14. Further, however, as per prosecution, when applicant was arrested then on his pointing out one brick was recovered which was allegedly used by him in the instant crime but till date the alleged recovered brick could not be connected with the instant crime.

15. Further, even this Court finds merit in the argument advanced by learned counsel for applicant that in absence of any corroborative evidence merely on the basis of above recovery prima facie at this stage it cannot be said that applicant committed the murder of his uncle along with his father.

16. Further, applicant is not having any criminal history and in the present

matter he is in jail since 21.06.2026.

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 - **Pankaj Chaudhary** 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 10, 2026
AK Pandey

(Sameer Jain,J.)