



2026:AHC:125792

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 16402 of 2026

Shanib Saifi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ambreen Masroor, Sadrul Islam Jafri, Sr. Advocate
Counsel for Opposite Party(s)	: G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri N.I. Jafri, learned Senior Advocate assisted by Ms. Samra Usmani, learned counsel for the applicant, Sri Pushkar Srivastava, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 192 of 2026 under Sections 191(2), 191(3), 190, 103(1), 351(3), 333 BNS, Police Station Majhola, District Moradabad during the pendency of the trial.
3. Learned counsel for the applicant has submitted that as per the FIR, general role has been assigned to all the five named accused persons including the applicant, however, the first informant in his statement recorded under section 180 BNSS has clearly stated that on hearing the sound of gunshot, he rushed outside and saw one person armed with a country made pistol and three other accused persons running away from the place of occurrence and apart from this, there is no other evidence against the applicant. It is further submitted that co-accused Bittu has been arrested and he stated before the police that he murdered the deceased and one country made pistol has also been recovered at his instance. It is further submitted that there is no motive on part of the applicant to commit the said offence nor he is related to the deceased and he is friend of co-accused Imran. It is further submitted that applicant has no criminal history and he is languishing in jail since 25.2.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submits that applicant is named in the FIR and general role has been assigned to all the accused persons including the applicant. He further submits that the deceased has received one entry and one exit wound of fire-arm as per the postmortem report and cause of her death has been shown as antemortem fire-arm injury.

5. As per FIR, applicant and four other accused persons are said to have opened fire on the first informant side as a result of which, one Smt. Nanhi received one entry and one exit wound of fire-arm due to which, she died. However, the first informant, in his statement recorded under section 180 BNSS has not identified any of the accused persons including the applicant and it has been stated by him that on hearing the sound of gunshot, he rushed outside and saw one person armed with a country made pistol and three other persons running from the place of occurrence. Apart from this, there is no other evidence against the applicant. During investigation, co-accused Bittu has been arrested and he confessed to have murdered the deceased and one country made pistol has also been recovered at his instance. Chargesheet in the case has been submitted and the applicant has no criminal history and he is languishing in jail since 25.2.2026.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of *Kapil Wadhawan vs Central Bureau of Investigation* reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of *Maya Tiwari Vs. State of U.P.* reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant **Shanib Saifi** involved in the aforementioned crime be released on bail, on his furnishing a personal bond of Rs.1,00,000/- and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

June 5, 2026
Madhurima

(Jitendra Kumar Sinha,J.)