



2026:AHC:178586

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29815 of 2026

Vikas Kumar Alias Vicky

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anil Kumar Ojha, learned counsel for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 21 of 2026, under Sections 103(1) BNS, Police Station Pannuganj, District Sonbhadra during pendency of the trial.

3. Learned counsel for the applicant submits, it is a case of circumstantial evidence and FIR of the present case was lodged against unknown persons with regard to murder of a mentally retarded person but during investigation on the basis of suspicion applicant has been made accused.

4. He further submits, after the disclosure of the name of applicant on the basis of suspicion, as per prosecution, he made extra judicial confession before witness Rohit Agrawal.

5. He further submits, however, apart from the suspicion and extra judicial confession of the applicant as per prosecution, when applicant was arrested then on his pointing out his blood stained clothes, which he wore at the time of incident and one sharp edge weapon allegedly used in the crime were also recovered but entire recovery is false and planted one and till date the alleged recovered items could not be connected with the instant crime however charge-sheet in the present matter has been filed. He further submits, there is no cogent evidence which can connect the applicant with the instant crime.

6. He further submits, apart from the present case applicant is having

criminal history of one another case relating to Excise Act and his criminal history has been explained in the instant bail application. He further submits, in the present matter applicant is in jail since 13.02.2026 i.e. for last more than six months.

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. It is a case of circumstantial evidence and nobody was named in the FIR but it reflects, during investigation on the basis of suspicion name of applicant has been surfaced in the present matter.

10. Record further suggests that as per prosecution applicant also made extra judicial confession before a witness and apart from the suspicion and his alleged extra judicial confession it reflects, on the pointing out of applicant recovery of his blood stained clothes and one sharp edge weapon was also made but it further reflects, till date the alleged recovered items could not be connected with the crime, however, charge-sheet in the present matter has been filed.

11. Considering the material available against the applicant, this Court finds merit in the argument advanced by learned counsel for applicant that prima facie there is no cogent evidence which can connect him with the instant crime.

12. Further, however, apart from the present case applicant is having criminal history of one case but that case relates to Excise Act and his criminal history has been explained in the instant bail application.

13. Further, in the present matter applicant is in jail since 13.02.2026 i.e. for last more than six months.

14. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

16. Let the applicant - **Vikas Kumar @ Vicky** 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.

17. 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.

18. 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 24, 2026
AK Pandey

(Sameer Jain,J.)