



2026:AHC:180195

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30186 of 2026

Kishan @ Sonu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ajay Kumar Pandey, Mukesh Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ajay Kumar Pandey and Sri Mukesh Singh, learned counsels for the applicant and Dr. S.B.Maurya, learned AGA-I, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.436 of 2025, under Sections 103(1), 3(5) and 123 BNS, Police Station Ahiraula, District Azamgarh during pendency of the trial.
3. Learned counsels for the applicant submit that however, applicant is named in the FIR along with two others but FIR of the present case was lodged on the basis of suspicion.
4. They further submits that from the post mortem report it reflects that deceased did not sustain any external injury and his viscera was preserved and from the viscera report it reflects that he died due to consumption of aluminum phosphide and ethaile alcohol but there is no evidence on record which can suggest that applicant administered any poisonous substances to him.
5. They further argued that after five months Investigating Officer recorded the statement of one Janardan Singh and he only stated that applicant along with deceased consumed liquor.
6. They further argued that merely on the basis of above evidence at this stage prima facie it cannot be said that applicant committed the murder of the deceased.

7. They further argued that there is no cogent evidence on record which can connect the applicant with the instant crime.

8. They further submits that however, there is no cogent evidence against the applicant on record but in spite of that merely on the basis of above evidence Investigating Officer has submitted charge sheet against the applicant too.

9. They further submits that apart from the present case, applicant is, however, having criminal history of one another case but that case relates to minor offence.

10. They further submits that in the present matter applicant is in jail since 29.5.2026, i.e., for the last three months.

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

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

13. It is a case of circumstantial evidence and it reflects that except suspicion and evidence of last seen there is no other evidence against the applicant on record.

14. Further, even evidence of last seen was surfaced after five months.

15. Further, even post mortem report suggests that deceased did not sustain any injury and his viscera was preserved and as per viscera report he died due to consumption of aluminum phosphide and ethaile alcohol and from the material available on record it appears that deceased used to consume liquor and prima facie there is no evidence that applicant administered any poisonous substances to him.

16. Considering the material available on record this Court finds merit in the argument advanced by the learned counsel for the applicant that prima facie there is no cogent evidence against the applicant on record.

17. Further, however, apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

18. Further, applicant is in jail in the present matter since 29.5.2026, i.e., for the last three months and the charge sheet in the present has been filed.

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

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

21. Let the applicant-**Kishan @ Sonu** 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.

21. 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.

22. 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.

(Sameer Jain,J.)

August 31, 2026

SKM