



2026:AHC:180822

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30280 of 2026

Maqsood

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Anil Kumar Srivastava, Prashant Kumar Mishra
Counsel for Opposite Party(s)	: G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anil Kumar Srivastava, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 518 of 2025, under Sections 103(1), 352 BNS, Police Station Faridpur, District Bareilly during pendency of the trial.
3. Learned counsel for applicant submits, however, applicant is named in the FIR along with his wife i.e. co-accused Noor Bano and as per allegation he crushed the brother of informant and his father through four wheeler due to which they died but entire allegations leveled against applicant are totally false.
4. He further submits, actually it is a case of road accident and unfortunately both the deceased died due to road accident and this fact is evident from their inquest reports which have been annexed alongwith the instant bail application. He further submits, in the inquest reports of both the deceased, it has been categorically mentioned that both died due to road accident.
5. He further submits, however as per the prosecution incident has been witnessed by three witnesses but out of three witnesses, one witness was real brother of the informant and other two witnesses although were independent witnesses but these witnesses appeared to be chance witnesses and considering their statements which have been annexed alongwith the instant bail application, no reliance can be placed on their statements.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 05.07.2025 i.e. for last more than a year.

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. However, it is a case of double murder and as per allegation due to property dispute on the exhortation of his wife applicant crushed the father and brother of informant through four wheeler but from the inquest report of both deceased it reflects, in their inquest report it has been categorically mentioned that both the deceased died due to road accident.

10. Further, admittedly informant of the case was not eye witness and according to her, Arif her brother and two others were the eye witnesses of the incident but all the three witnesses are chance witnesses and even considering the inquest reports of both the deceased, their statements, prima facie, appears to be doubtful.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 05.07.2025 i.e. for last more than a year.

12. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

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 - Maqsood 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 31, 2026
AK Pandey

(Sameer Jain,J.)