



2026:AHC:180690

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30348 of 2026

Gaurav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aditya Kumar, Ayush Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Aditya Kumar, learned counsel for the applicant and Sri Vijay Bahadur Maurya, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 239 of 2026, under Sections 103(1), 351(3), 352 BNS, Police Station NOIDA sector 39, District Gautam Buddha Nagar, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however applicant is sole accused of the case and as per allegation by causing injury he committed the murder of the deceased but applicant is innocent and entire allegations levelled against him are totally false.
4. He further submitted that however from the medical report of the deceased it reflects, he sustained one stab wound and from the statement of the deceased recorded by the Investigating Officer it also reflects, applicant caused knife injury to him but from the statement of the doctor it also reflects, at the time of incident deceased was under intoxication. He further submits, as even according to deceased in anger he broken the pipe of the water and therefore, it reflects, during incident he sustained injury and subsequently died but as there was dispute of the deceased with the applicant and applicant also resided in same building, therefore, in his statement he stated before the Investigating Officer that applicant caused knife injury to him. He further submitted that even post mortem report suggests that deceased died due to septicemia and therefore, it cannot be said that applicant was having any intention to cause the death of the deceased.

5. He further submitted that there is no independent witness which can support the case of prosecution.

6. He further submitted that applicant is having no other criminal history and he is in jail in the present matter since 26.5.2026.

7. He further submitted that therefore, considering the facts of the case applicant may be enlarged on bail.

8. Per contra, learned AGA opposed the prayer for bail and submitted that applicant is sole accused and from the statement of the deceased which was though recorded by the Investigating Officer it is apparent that applicant caused knife injury to him.

9. He further submitted that from the initial medical report of the deceased it reflects, he sustained one stab wound, therefore, dying declaration of the deceased recorded by the Investigating officer also finds support from the medical report of the deceased.

10. He further submitted that therefore, considering the facts and circumstances of the case applicant should not be released on bail and instant bail application may be dismissed.

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

12. Applicant is sole accused of the cases and as per prosecution he by causing knife injury committed the murder of the deceased.

13. Record further suggests that initially FIR of the present case was lodged on 25.5.2026 for offences punishable under sections 351(3), 352, 115(2) BNS but after a week when injured died then case has been converted under section 103 (1) BNS.

14. Record further suggests that before the death of the deceased-Wasim Investigating Officer recorded his statement under section 180 BNSS which has been annexed alongwith the instant bail application and from its perusal it reflects, even according to the deceased also applicant caused knife injury to him.

15. The statement of the deceased recorded by the Investigating Officer before his death is his dying declaration and considering the statement prima

facie it cannot be said that applicant is innocent.

16. Further, however from the post mortem report it reflects, deceased died due to septicemia but in the light of the statement of the deceased recorded under section 180 BNSS merely on this ground it is not proper to release the applicant on bail, specially considering the fact that applicant is in jail only for last three months.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail, at this stage.

18. Accordingly, the instant bail application stands ***rejected at this stage.***

19. 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
Ankita

(Sameer Jain,J.)