



2026:AHC:180426

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 30389 of 2026

Mustafa And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashutosh Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ashutosh Mishra, learned counsel for the applicants, Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicants on bail during the trial in Case Crime No. 155 of 2026, under section-85, 80(2) B.N.S. & Section-3/4 D.P. Act, Police Station- Dumariyaganj, District- Siddharthnagar.

3. Contention of learned counsel for the applicants is that the applicants are brothers-in-law of the deceased, who died due to accidental fall from the rooftop. It is further submitted that immediately after accident the deceased was brought to the nearest Community Centre thereafter Medical Hospital, Gorakhpur, where she succumbed to the injuries. From perusal of post mortem report, it shows that it is a case of injuries caused by accidental falling or due to hitting with hard surface. It is further submitted that even from the site plan as well as statements of witnesses, it is evident that specific allegation of beating has been made against the husband of the deceased. The applicants are brothers-in-law of the deceased and have been living separately. They have been falsely implicated by making general allegations. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicants have no criminal history and they are languishing in jail since 03.07.2026. In case, they are granted bail, they will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for

bail but could not dispute the aforesaid fact.

5. 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 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 applicants are entitled to be enlarged on bail. Accordingly, the present application is allowed.

6. Let the applicants- **Mustafa, Sarfaraj and Mohd. Ayub** involved in the aforementioned crime be released on bail, on their 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 applicants 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 applicants shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicants shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicants shall attend in accordance with the conditions of the bond executed by him.

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

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is made clear that the applicants shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

11. It is 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 applicants through **Siddharthnagar Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders 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** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

13. Application, if any, stands disposed of.

August 31, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)