



2026:AHC:176722

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3873 of 2026

Rahul Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Arjit Srivastava, Shalvin
Counsel for Opposite Party(s)	:	G.A., Kameshwar Singh, Sudhanshu Kumar Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by State is taken on record.
2. Heard Sri Shalvin, learned counsel for the applicant; Sri Kameshwar Singh, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 490 of 2025, under Sections 103(1), 238, 61(2) and 3(5) BNS, Police Station Kotwali Karvi, District Chitrakoot during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that however applicant is named in the FIR alongwith Buddhivilas but it is a case of circumstantial evidence and except evidence of last seen and recovery of motorcycle on which deceased was alongwith him and co-accused and from the motorcycle recovery of Rs. 2.5 lacs was made there is no other evidence against the applicant on record.
5. He further submitted that admittedly the alleged bike from which recovery was made does not belong to applicant.
6. He further submitted that there is no cogent evidence against the applicant on record which can connect the applicant with the instant crime as admittedly applicant and deceased and co-accused Buddhivilas participated in a religious ceremony and therefore, even if applicant was alongwith the deceased then also it hardly matters.

7. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 8.8.2025 i.e. for last more than a year.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that deceased i.e. father of the informant resided alone and both the accused including applicant extracted money from him and under the false pretext for religious ceremony earlier also they have duped him and on the date of incident they alongwith the deceased went for religious ceremony and deceased was also having Rs. Three lacs alongwith him and after the ceremony deceased alongwith the applicant and co-accused Buddhivilas was last seen and this fact is evident from the CCTV footages and even when on 7.8.2025 applicant and co-accused Buddhivilas were arrested then from the motorcycle Rs. 2.5 lacs were also recovered. They next submits, applicant in the instant bail application did not explain these clinching circumstances.

9. They further submitted that however in the present matter, applicant is in jail for last one year but considering the nature of allegations levelled against him and punishment provided for the alleged offences, it is not proper to release him on bail on this ground.

10. They further submitted that therefore, considering the facts of the case, instant bail application of the applicant may be dismissed.

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

12. However, it is a case of circumstantial evidence but following clinching circumstances are against the applicant:-

a). Applicant and co-accused went alongwith the deceased from the house for religious ceremony and deceased alongwith him was also having Rs. Three lacs and applicant and other accused were seen alongwith the deceased even before and after the religious ceremony in the CCTV footages,

b). When applicant and co-accused Buddhivilas were arrested then at that time they were sitting on the motorcycle on which they also carried the deceased and from the motorcycle Rs. 2.5 lacs were also recovered, and

c). As per the informant, applicant and co-accused Buddhivilas used to extract money from the deceased under the pretext for some religious ceremonies who resided alone.

13. It reflects, with regard to the above clinching circumstances, applicant could not provide any proper explanation and even on query his counsel did not even propose to file any rejoinder affidavit and therefore, prima facie, it cannot be said that applicant is innocent.

14. Further, however, in the present matter applicant is in jail for last one year but he is facing trial of murder and therefore, considering the gravity of offence in considered view of this Court, merely on this ground it is not proper to release him on bail, at this stage.

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

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

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 20, 2026
Ankita

(Sameer Jain,J.)