



2026:AHC:175322

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 4605 of 2026**

Shyoraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rahul Singh Dahiya
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of the inquest report produced by Sri Rupak Chaubey, learned A.G.A., is taken on record.
2. Heard learned counsel for the applicant and Sri Rupak Chaubey, learned A.G.A. for the State-opposite party.
3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 704 of 2024, under Sections 105, 351(2) B.N.S., Police Station Dibai, District Bulandshahr during the pendency of the trial.
4. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 21.12.2024. The inquest proceedings were conducted on 22.12.2024 at 10:50 a.m. wherein Dharma Singh was one of the inquest witnesses. The inquest witnesses opined that the deceased died in the suspicious circumstances. The postmortem of the deceased was conducted on 22.12.2024 at 03:30 p.m., whereas the first information report was lodged on 25.12.2024. According to the first information report, Dharma Singh and Pramod are alleged to be eye witnesses of the incident. It is contended that however, despite being a close relative of the deceased, Dharma Singh and Pramod did not disclose the name of the applicant either to the informant or to the family members of the deceased at the earliest opportunity. Significantly, the name of the applicant was also not disclosed by Dharma Singh

during the inquest proceedings. Although he was admittedly present as an inquest witness, it is contended that had Dharma Singh and Pramod actually witnessed the incident, there was no reason for them to withhold the name of the applicant, particularly when they were closely acquainted with the family of the deceased. It is next submitted that the first information report has been lodged with an unexplained delay of about three days. Unexplained non-disclosure of the applicant's name by Dharma Singh, despite his presence during the inquest proceedings, allegedly as an eye witness, creates a serious doubt regarding his presence at the place of occurrence and the veracity of his subsequent claim of having witnessed the incident. Identically placed co-accused Brajnath Pachauri @ Anirudh Kumar Pachauri and Lad Mohan Pachauri @ Ladnoon Helan Pachauri have been granted bail by this Court vide order dated 07.08.2026 passed in Criminal Misc. Bail Application No. 23983 of 2025. The applicant claims parity. The applicant is in jail since 31.12.2024 having no criminal history and if he is released on bail, he will not misuse the said liberty.

5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the first information report has been lodged with an unexplained delay of about three days. Unexplained non-disclosure of the applicant's name by Dharma Singh, despite his presence during the inquest proceedings, allegedly as an eye witness, creates a serious doubt regarding his presence at the place of occurrence and the veracity of his subsequent claim of having witnessed the incident. Identically placed co-accused Brajnath Pachauri @ Anirudh Kumar Pachauri and Lad Mohan Pachauri @ Ladnoon Helan Pachauri have been granted bail by this. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than one year and seven months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on

bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- Shyoraj, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 19, 2026
SKT/-

(Vivek Varma,J.)