



2026:AHC:175452

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7415 of 2026

Sarvesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Radhey Shyam Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Radhey Shyam Yadav, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.240 of 2025, under Sections 103(1), 61(2) BNS, Police Station Nababganj, District Farrukhabad, during pendency of the trial.
4. Learned counsel for the applicant submits, nobody was named in the FIR and FIR of the present case was lodged against unknown person with regard to murder of the deceased who was a tempo driver but during investigation applicant has been made accused on the ground that he hatched conspiracy alongwith other accused and other accused committed his murder but except bald and verbal allegation of hatching conspiracy there is no cogent evidence against applicant on record. He further argued, except hatching the conspiracy there is no allegation against the applicant.
5. He further argued, however applicant is having criminal history of four other cases but his criminal history has been explained and all the cases were of minor nature.
6. He next submits, in the present matter applicant is in jail since 05.10.2025 i.e. for last 10 months.

7. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by the learned counsel for the applicant.

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

9. It is a case of circumstantial evidence and nobody was named in the FIR but during investigation applicant has been made accused in the present matter with the aid of Section 61(2) BNS and according to the prosecution, applicant hatched conspiracy alongwith other accused to commit murder of the deceased as deceased was having illicit relationship with the daughter-in-law of the applicant but it reflects, except bald and verbal allegation there is no cogent evidence against applicant with regard to criminal conspiracy.

10. Further, however apart from the present case applicant is having criminal history of four other cases but his criminal history has been explained and all the cases relate to minor offences.

11. Further, in the present matter applicant is in jail since 05.10.2025 i.e. for last 10 months.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

14. Let the applicant - **Sarvesh Kumar** 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.

15. 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.

16. 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.

(Sameer Jain,J.)

August 19, 2026
Shahroz