



2026:AHC:175451

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7456 of 2026

Kamlesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chhaya Gupta, Sujeet Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Sujeet Kumar, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.291 of 2025, under Sections 103(1), 351(3) BNS, Police Station Madhuban, District Mau, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR alongwith others and as per allegation he alongwith other accused by causing injury to the deceased through sharp edged weapon committed his murder but entire allegations levelled against the applicant are totally false. He next submits, admittedly informant of the case was not the eye-witness and even during the investigation, investigating officer could not record the statement of any eye-witness and therefore without any cogent evidence merely because the name of applicant has been disclosed by the informant in the FIR he is detained in jail in the present matter.

4. He further argued, even co-accused Sandeep, Rajkumar and Rajendra Prasad have been released on bail by coordinate Bench of this Court and case of applicant is at par with them.

5. He next submits, however apart from the present case applicant is also having criminal history of two other cases but both the cases were of

minor nature and in the present matter he is in jail since 12.09.2025 i.e. for last almost a year.

6. 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.

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

8. However, as per allegation applicant alongwith others by causing injury through sharp edged weapon committed murder of the deceased but it reflects, there is no eye-witness account.

9. Further, even however as per prosecution applicant and other accused caused injury to the deceased through sharp edged weapon but postmortem report of the deceased suggests, he sustained one lacerated wound, a contusion and three abrasions and therefore postmortem report does not corroborate the story narrated by the informant in the FIR.

10. Further, even alongwith applicant co-accused Sandeep, Rajkumar and Rajendra Prasad were also made accused but they have been released on bail by coordinate Bench of this Court and case of applicant is at par with them.

11. Further, however, apart from the present case applicant is also having criminal history of two other cases but both the cases relate to minor offences.

12. Further, even in the present matter applicant is in jail since 12.09.2025 i.e. for last almost a year.

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

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

15. Let the applicant - **Kamlesh** 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.

16. 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.

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.

(Sameer Jain,J.)

August 19, 2026

Shahroz