



2026:AHC:175469

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8535 of 2026

Sunil Sahani Alias Sarla

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Jeetendra Kesharwani, Sandeep Kumar
Yadav, Siddharth Niranjana

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Jeetendra Kesharwani, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.360 of 2025, under Sections 103(1), 70(1) BNS, Police Station AIIMS, District Gorakhpur during pendency of the trial.

3. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown persons with regard to murder of the daughter of the informant aged about 19 years and during investigation through CCTV footage applicant along with two others has been made accused in the present matter.

4. He further submits, from the extract of CCTV footage which has been noted by the Investigating Officer in the case diary it reflects, near the place of incident where dead body of the deceased was found there is public road and on the road applicant along with two others was seen.

5. He further submits, if a person is passing through a road which is public road then merely on this basis he cannot be made accused in a case of murder.

6. He further submits, except the fact that presence of applicant and two others was found near the place where dead body of the deceased was

found there is no other evidence against the applicant on record.

7. He further submits, even after considering the entire facts in detail co-accused Laxman Sahani @ Bhakole has been released on bail by this Court vide order dated 11.08.2026 passed in Criminal Misc. Bail Application No.11702 of 2026 and case of applicant is exactly at par with him.

8. He further argued, applicant is not having any criminal history and in present matter he is in jail since 18.09.2025 i.e. for last almost a year.

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

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

11. It is a case of circumstantial evidence and nobody was named in the FIR but during investigation through CCTV footage complicity of applicant has been revealed alongwith two others including co-accused Laxman Sahani @ Bhakole and with a very detailed order co-accused Laxman Sahani @ Bhakole has been released on bail by this Court and case of applicant is at par with him.

12. Further, applicant is not having any criminal history and in present matter he is in jail since 18.09.2025 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 - **Sunil Sahani Alias Sarla** 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