



2026:AHC:167487

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27841 of 2026

Mohan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dharmendra Pratap Singh, Himanshu
Dwivedi, Nitish Kumar Soni
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dharmendra Pratap Singh, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA, for the State.
2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.62 of 2026, under Sections 103(1) and 3(5) BNS, Police Station Charthawal, District Muzaffarnagar during pendency of the trial.
3. Learned counsel for the applicant submits that FIR of the present case was lodged against unknown persons with regard to murder of elder brother of the informant and during investigation applicant has been made accused in the present matter on the ground that he was tenant of the deceased and his tenancy dispute was pending with him.
4. He further submits that apart from suspicion as per prosecution, co-accused Nitin made extra judicial confession before his mother that he and applicant committed the murder of the deceased.
5. He further submits that except above evidence, there is no other cogent evidence which can connect the applicant with the instant crime. He next submits that merely on the basis of above evidence prima facie at this stage it cannot be said that applicant committed the murder of the deceased.
6. He further submits that applicant is not having any previous criminal history and when he was arrested then he has been made accused in one

case of Section 109(1) BNS relating to police encounter no injury case and in the present matter he is in jail since 3.5.2026 i.e., for the last more than three months.

7. Per contra, learned AGA although opposed the prayer for bail but could not dispute the argument 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 it reflects that during investigation merely on the basis of suspicion and dispute relating to tenancy, applicant has been made accused in the present matter along with co-accused Nitin. It reflects that apart from the suspicion as per prosecution co-accused Nitin made extra judicial confession before his mother that he along with applicant committed the murder of the deceased.

10. Record further suggests that except above evidence there is no other cogent evidence against the applicant on record.

11. This Court finds merit in the argument advanced by the learned counsel for the applicant that merely on the basis of above evidence prima facie at this stage it cannot be said that applicant involved in commission of present crime.

12. Further, however, applicant is having criminal history of one case relating to Section 109 (1) BNS but this case is the case of police encounter no injury case in which he has been made accused at the time of his arrest and it reflects that applicant was not having any previous criminal history to his credit. Further, applicant is in jail in the present matter since 3.5.2026, i.e., for the last more than three months.

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-**Mohan** 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 11, 2026
SKM