



2026:AHC:167555

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27857 of 2026

Mulayam Gond

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anupam Kumar Shukla, Raj Kapoor
Upadhyay
Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anupam Kumar Shukla, learned counsel for the applicant and Dr. S.B.Maurya, learned AGA-I, 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.152 of 2026, under Sections 103(1), 61(1), 61(2), 191(2), 191(3), 190, 315, 351(3) and 3(5) BNS, Police Station Gauri Bazar, District Deoria during pendency of the trial.
3. Learned counsel for the applicant submits that however, applicant is named in the FIR along with five others but it reflects that informant of the case was not the eye witness and he lodged FIR of the present case on the basis of suspicion.
4. He further submits that however, during investigation Investigating Officer recorded the statement of one Sanjeev Yadav, who claimed himself to be eye witness but from his statement it could not be reflected that applicant in any manner involved in commission of the present crime. He next submits that according to this witness, co-accused Nikki was the principal accused, who by causing firearm injuries committed the murder. He next submits that even post mortem report suggests that deceased died due to firearm injuries.
5. He further submits that even after considering the entire facts in detail co-accused Navnath Gond, who was also named in the FIR along with the applicant has been released on bail by this Court vide order dated

23.7.2026 and his bail order has been annexed at page 94 of the paper book.

6. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 24.4.2026 i.e., for the last more than three months.

7. Per contra, learned AGA opposed the prayer for bail and submits that actually apart from the present case applicant is having criminal history of three other cases but he fairly conceded that he was having previous criminal history of one case and all the cases relate to minor offences.

8. He could not dispute the other argument on facts advanced by the learned counsel for the applicant.

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

10. However, applicant is named in the FIR but informant of the case was not the eye witness. It reflects that during investigation Investigating Officer recorded the statement of one eye witness Sanjeev Yadav and according to him, co-accused Nikki was the person, who by causing fire arm injuries committed the murder of the deceased and even post mortem report suggests that deceased sustained only single fire arm injury.

11. Further, co-accused Navnath Gond, who was also named in the FIR along with the applicant has been released on bail by this Court and the case of applicant is at par with him.

12. Further, however, it reflects that apart from the present case, applicant is also having criminal history of three other cases but he was having previous criminal history of only one case and even all the cases including previous case relate to minor offences.

13. Further, in the present matter applicant is in jail since 24.4.2026, i.e., for the last more than three months.

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

15. Accordingly, without expressing any opinion on the merits of the

case, the instant bail application is allowed.

16. Let the applicant-**Mulayam Gond** 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.

17. 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.

18. 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