



2026:AHC:168523

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27859 of 2026

Raju Pashwan

.....Applicant(s)

Versus

State Of U.P. Through Principal Secretary, Home,
Government Of Uttar Pradesh, Lucknow. And
Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Manisha Chaturvedi
Counsel for Opposite Party(s) : G.A., Ram Raksha Tiwari, Sharad
Kumar Srivastava

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Ms. Manisha Chaturvedi, learned counsel appointed by High Court Legal Services Committee for the applicant, Sri Sharad Kumar Srivastava, learned counsel for the informant 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.138 of 2025, under Sections 103(1) and 109 BNS, Police Station Thariyaon, District Fatehpur during pendency of the trial.
3. Learned counsel for the applicant submits that however, as per allegation applicant by causing brick injury committed the murder of the father of the informant and even caused injury to one Awadesh, who resided along with the deceased in the temple but entire allegations levelled against the applicant are totally false. She next submits that even from the FIR it is apparent that informant was not the eye witness.
4. She further submits that however, from the FIR it reflects that father of the informant died and one Awadesh sustained injury but subsequently injured also died. Therefore, it is a case of double murder.
5. She further argued that that during investigation when the statement of the informant was recorded then he stated that after receiving information of the alleged incident when he arrived at spot then found that applicant

along with his father, i.e., co-accused Lala Urf Chandrashekhar Paswan was running from the spot.

6. She next submits that even informant in his statement recorded during investigation disclosed that injured Awadesh before this death informed him that applicant along with his father caused injuries to him as well as to the deceased. She next submits, statement of the informant prima facie appears to be highly unreliable as it is contrary to the FIR.

7. She next submits that however, during investigation Investigating Officer also recorded the statement of the second son of the deceased Awadesh and he also stated that his father before his death disclosed the name of the applicant and co-accused Lala Urf Chandrashekhar Paswan and his statement is almost verbatim to the statement of the informant recorded during investigation and, therefore, his statement also does not appear to be convincing.

8. She further argued that actually nobody could see the real incident but subsequently informant started claiming that deceased Awadesh before his death disclosed the name of the applicant and thereafter son of Awadesh also repeated the same version and prima facie it appears that both the witnesses are not reliable. She next submits, there is no cogent evidence which can connect the applicant with the instant crime.

9. She further submits that however, co-accused Lala Urf Chandrashekhar Paswan, father of the applicant was not named in the FIR but considering the statements of the witnesses recorded during investigation it appears, the case of applicant is at par with him as far as assault upon both the deceased is concerned and he has been released on bail by this Court and his bail order has been annexed along with the instant bail application.

10. She further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 14.5.2025 i.e., for the last more than a year.

11. Per contra, learned AGA as well as learned counsel for the informant although opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

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

the case.

13. However, applicant is named in the FIR but from the FIR it reflects that informant of the case was not eye witness.

14. Further, however, when the statement of the informant was recorded then he changed the version of the FIR and stated that when he arrived at spot then found that applicant and his father were running from the spot and even he also disclosed that deceased Awadesh before his death disclosed the name of the applicant along with his father, i.e., assailants but as this statement of the informant prima facie is contrary to the version of the FIR, therefore, this statement does not inspire any confidence.

15. Further, however, it reflects that during investigation Investigating Officer also recorded the statement of the son of the deceased-Awadesh and he also reiterated the version of the informant but in the light of the statement of the informant his statement also prima facie appears to be doubtful as his statement is verbatim to the statement of the informant and the same was recorded after the statement of the informant.

16. Record further suggests that during investigation Investigating Officer after the statements of the informant and son of the deceased, Awadesh, also recorded the statements of four other witnesses and they also reiterated the version of the informant and son of the deceased-Awadesh and, therefore, their statements also prima facie appear to be doubtful.

17. After considering the entire evidence on record, this Court finds merit in the argument advanced by the learned counsel for the applicant that prima facie it reflects that nobody could see the real incident and subsequently all the witnesses started claiming that deceased Awadesh disclosed before them that applicant along with his father committed the murder of the deceased and also caused injury to him.

18. Further, however, father of the applicant, namely, Lala Urf Chandrashekhar Paswan was not named in the FIR but considering the statements of the witnesses recorded during investigation, it reflects, the case of applicant is at par with him as far as it relates to assault allegedly made upon the deceased and co-accused Lala Urf Chandrashekhar Paswan, i.e., father of the applicant has been released on bail by this

Court.

19. Further, applicant is not having any previous criminal history and in the present matter he is in jail for the last more than a year.

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

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

22. Let the applicant-**Raju Pashwan** 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 her 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 her 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.

23. 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.

24. 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