



2026:AHC:167710

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27913 of 2026

Dharmendra And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Hare Ram Pandey, Shashank Pandey
Counsel for Opposite Party(s)	: Arun Yadav, G.A., Manoj Kumar Tiwari

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shashank Pandey, learned counsel for the applicants, Sri Manoj Kumar Tiwari, learned counsel for informant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicants on bail in Case Crime No. 166 of 2026, under Sections 103(1), 238(a) BNS, Police Station Raipura, District Chitrakoot during pendency of the trial.

3. Learned counsel for the applicants submits, however, applicants are named in the FIR along with co-accused Golu Nishad and as per allegation, applicants along with co-accused Golu Nishad and some unknown persons committed the murder of the son of the informant aged about nine years and when informant along with her daughter arrived at the place of incident during search then found that applicants along with co-accused Golu Nishad and some unknown persons were trying to conceal the dead body of the deceased but entire allegations leveled against applicants are totally false.

4. He further submits, from the statement of daughter of informant namely Kavya, which has been annexed at page-64 of the paper-book it is apparent that she was eye witness and according to her co-accused Golu Nishad caused injury to the deceased and she did not even disclose the name of applicants.

5. He further submits, actually applicant no.1 Dharmendra is brother of co-accused Golu Nishad and applicant no.2 Pappu is his father and only due to

this reason they have been made accused in the present matter along with co-accused Golu Nishad who appears to be principal accused.

6. He further submits, applicants are not having any criminal history and in the present matter they are in jail since June, 2026.

7. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, applicant no.1 Dharmendra is having criminal history of one another case but could not dispute, that case relates to minor offence. They also could not dispute the other argument on facts advanced by learned counsel for the applicants.

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

9. However, applicants are named in the FIR but admittedly informant of the case was not the eye witness and according to informant when she arrived at the place of incident along with her daughter then they witnessed that applicants along with co-accused Golu Nishad were trying to conceal the dead body of the deceased but from the statement of daughter of informant namely Kavya it reflects, she is the eye witness and according to her co-accused Golu Nishad caused injury to the deceased and she did not even disclose the name of applicants. The statement of witness Kavya prima facie casts doubt on the allegation made against the applicants by the informant in the FIR and in her statement recorded during investigation.

10. Further, applicant no.1 is the real brother of co-accused Golu Nishad while applicant no.2 is his father and considering this fact, the argument advanced by learned counsel for applicants that as applicants are close family members of co-accused Golu Nishad, therefore, they have been made accused in the present matter cannot be completely ruled out. Further, even prima facie co-accused Golu Nishad appears to be principal accused.

11. Further, however applicant no.1 Dharmendra is having criminal history of one another case but that case relate to minor offence.

12. Further, in the present matter applicants are in jail since June, 2026.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicants are 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 applicants - Dharmendra and Pappu 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 applicants shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicants 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 applicants 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 applicants.

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.

August 11, 2026
AK Pandey

(Sameer Jain,J.)