



2026:AHC:167754

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 27922 of 2026

Shailendra Kumar Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashi Prakash Rai, Shiva Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Saghir Ahmad, learned Senior Advocate assisted by Sri Shashi Prakash Rai and Sri Shiva Singh, learned counsels for the applicant and Sri Rajeev Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 61 of 2026, under Sections 103(1), 351(3) BNS, Police Station Sukhpura, District Ballia during pendency of the trial.
3. Learned Senior Advocate appearing on behalf of applicant submits, however, applicant is named in the FIR along with four others but admittedly informant of the case was not the eye witness and it reflects, deceased before his death disclosed the name of applicant and other accused, therefore, informant named him in the FIR but entire allegations leveled against applicant are totally false.
4. He further submits, during investigation it was found through CCTV footage and CDR of the applicant that he was not present at spot and he was somewhere else, therefore, no charge-sheet was filed against him but at the time of taking cognizance court concerned on the basis of statements of witnesses also summoned the applicant. He further submits, while summoning the applicant in the present matter court concerned did not consider the footage of CCTV and CDR of the applicant.
5. He further submits, from perusal of both the above electronic evidence prima facie applicant appears to be innocent.
6. He further submits, however, during investigation Investigating Officer

also recorded the statements of some eye witnesses and they also disclosed the name of applicant but as informant had already disclosed the name of applicant therefore they also started reiterating the version of the FIR. He further submits, applicant never participated in the alleged crime.

7. He further submits, even according to the prosecution as many as five persons made assault upon the deceased but deceased sustained only four injuries and out of four injuries two injuries were simple and on non vital parts and this fact again suggests that applicant is innocent specially considering the fact that all the eye witnesses also assigned only general role to all the accused.

8. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 25.03.2026.

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. However, as per allegation, made in the FIR applicant along with others who were total five in numbers by causing injuries committed the murder of the deceased but admittedly informant of the case was not the eye witness and it reflects, according to him deceased before his death disclosed the name of applicant and other accused, therefore, he named the applicant in the FIR.

12. Record further suggests however during investigation Investigating Officer also recorded the statements of some eye witnesses and they also stated that applicant along with others made assault, therefore, it reflects, they reiterated the version of the FIR however from their statements it reflects, they assigned only general role to all the accused.

13. Further, during investigation from the CDR and CCTV footage it reflects, applicant was somewhere else, therefore, no charge-sheet was filed against him but at the time of taking cognizance court concerned on the basis of statements of eye witnesses summoned the applicant. It reflects, while summoning the applicant court concerned did not consider the footage of CCTV and his CDR.

14. Considering the CCTV footage, CDR and observation of the Investigating Officer prima facie at this stage it cannot be said that applicant also involved in the alleged assault allegedly made by him and other accused upon deceased specially considering the fact that even all the alleged eye witnesses assigned only general role to all the accused.

15. Further, considering the fact that name of the applicant had already been disclosed by the informant in the FIR, the argument advanced by learned Senior Advocate appearing on behalf of applicant that only due to this reason when subsequently statements of eye witnesses were recorded then they started making allegation against applicant and in the light of CDR and CCTV footage the statements of witnesses with regard to applicant prima facie appears to be doubtful cannot be ruled out.

16. Further, even post mortem report suggests that deceased however sustained four injuries but two injuries were minor and on non vital part and there is no evidence on record that applicant is the author of remaining two injuries which were on vital part i.e. on the head as only general role has been assigned to all the accused.

17. Further, applicant is not having any criminal history and in the present matter he is in jail since 25.03.2026.

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

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

20. Let the applicant - **Shailendra Kumar Singh** 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.

21. 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.

22. 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.)