



2026:AHC:175066

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29249 of 2026

Boby

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Vikash Chandra Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vikash Chandra Tiwari, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State-respondent.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.221 of 2026, under Sections 103(1), 238, 3(5) BNS and Section 3/25/27 Arms Act, Police Station Kavinagar, District Ghaziabad, during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown person with regard to murder of the husband of the informant and during investigation applicant has been made accused on the basis of his CDR because as per CDR his location was found near the place where dead body of the deceased was found.
4. He next submits, apart from the CDR of the applicant and his confessional statement before the police as per prosecution when applicant was arrested then on his pointing out a country-made pistol was recovered but till date the alleged recovered country-made pistol could not be connected with the instant crime. He next submits, merely on the basis of CDR at this stage it cannot be said that applicant was the person who committed murder of the deceased.
5. He next submits, even after considering entire facts in detail co-accused Gaurav has been released on bail by this Court and case of applicant is at par with him and his bail order has been annexed at page 86 of the paper book.
6. He further argued, applicant is not having any previous criminal history

and in the present matter he is in jail since 20.04.2026.

7. Per contra, learned AGA however opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

8. I have heard both the parties and perused the record of the case.

9. It is a case of circumstantial evidence and it reflects, during investigation applicant alongwith other co-accused has been made accused on the basis of CDR and apart from this evidence as per prosecution from his possession one countrymade pistol was also recovered but till date, alleged recovered countrymade pistol could not be connected with the instant crime.

10. Further, even from the CDR also prima facie complicity of the applicant could not be revealed.

11. Further, even co-accused Gaurav who was also made accused in the present matter alongwith applicant on the basis of same evidence has been released on bail by this Court and case of applicant is at par with him.

12. Further, applicant is having no previous criminal history and in the present matter, he is in jail since 20.4.2026.

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-**Boby**, 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.

August 19, 2026
Ankita

(Sameer Jain,J.)