



2026:AHC:175127

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29302 of 2026

Manoj Mushar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashish Kumar Mishra, Raja Ram Pal
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Raja Ram Pal, 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. 370 of 2025, under Sections 103(1), 317(3), 305, 331, 3(5), 61(2), 310(3) BNS and 3/25 Arms Act, Police Station Saiyadraja, District Chandauli during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against 4-5 unknown persons and according to the FIR on 14.12.2025 in the night on minor issue when informant and his son raised objection then unknown miscreants opened fire due to which his son sustained injury and died.
4. He further submits, nobody was named in the FIR but during investigation one Vinod Musahar was made accused and thereafter on 18.12.2025 when his statement was recorded then he disclosed the name of applicant.
5. He further submits, it is a case of circumstantial evidence and except the statement of co-accused and confessional statement of applicant before police there is no other evidence against applicant on record.
6. He further submits, even after considering entire facts in detail co-accused Nageshwar Prasad @ Rinku has been released on bail by this Court and his bail order has been annexed at page 72 of the paper book and as far as merit of the case is concerned, case of applicant is at par with him.

7. He further submits, however, apart from the present case applicant is having criminal history of six other cases but his criminal history has been explained in the instant bail application and majority of the cases were of theft and even these cases were of the year 2006-2007.

8. He further submits, in the present matter applicant is in jail since 25.12.2025.

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. FIR of the present case was lodged against unknown person and it reflects, during investigation applicant has been made accused through the statement of co-accused and except statement of co-accused and confessional statement of applicant recorded by the Investigating Officer, there is no other evidence against the applicant on record.

12. Further, co-accused Nageshwar Prasad @ Rinku has been released on bail by this Court and case of applicant is at par with him.

13. Further, however, apart from the present case applicant is having criminal history of six other cases but his criminal history has been explained and majority of the cases were of theft and even these cases were of the year 2006-2007.

14. Further, in the present matter applicant is in jail for last eight months.

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

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

17. Let the applicant - **Manoj Mushar**, 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.

18. 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.

19. 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.)