



2026:AHC:173685

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29089 of 2026

Harsh Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanjay Kumar Tripathi, Yogesh Kumar
Tiwari

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Yogesh Kumar Tiwari and Sri Sanjay Kumar Tripathi, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.63 of 2026, under Sections 103(1), 78(1), 238 BNS, Police Station Maharajganj, District Jaunpur, during pendency of the trial.

3. Learned counsel for the applicant submits, however applicant is named in the FIR and according to the FIR applicant and deceased were having love affair but when marriage of the deceased could not be solemnized with the him then he committed her murder but entire allegations levelled against the applicant are false.

4. He next submits, even from the FIR reflects, FIR of the present case was lodged by uncle of the deceased who was not the eye-witness.

5. He further argued, when statement of mother of the deceased was recorded then she stated that in front of her applicant caused injury to the deceased but her statement does not appear to be convincing and it reflects, it is a case of blind murder and nobody could see the real incident and as applicant was having affair with the deceased and family members of the deceased were opposing their relationship therefore he has been

made accused in the present matter.

6. He further argued, actually it is a case of honour killing and family members of the deceased committed her murder as they did not want that deceased could perform marriage with applicant.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 23.04.2026.

8. 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.

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

10. However, applicant is named in the FIR and according to the FIR, applicant committed murder of the niece of the informant as he was having affair with the deceased and she was not ready to perform marriage with him but informant of the case was not the eye-witness.

11. Further, however during investigation statement of Savitri Devi, the mother of the deceased, was recorded and she stated that before her applicant caused injury to the deceased but prima facie her statement does not appear to be convincing. It reflects, except statement of Savitri Devi, the mother of the deceased, there is no eye-witness account.

12. Further, applicant is not having any criminal history and in present matter he is in jail since 23.04.2026.

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 - **Harsh Gautam** 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.

(Sameer Jain,J.)

August 18, 2026
Shahroz