



2026:AHC:164078

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3895 of 2026

Avinash Rai @ Anshu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Praveen Kumar Singh, Syed Imran Ibrahim
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Praveen Kumar Singh, learned counsel for the applicant and Dr. S. B. Maurya, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 768 of 2020, under Sections 364, 302, 201, 34 IPC, Police Station Lanka, District Varanasi, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that FIR of the present case was lodged against unknown person under section 364 IPC but during investigation after recovery of the dead body of the deceased which was found in a sack on the pointing out of two co-accused Vishnu and Ganesh case was converted under section 302 IPC.
4. He further submitted that during investigation applicant has been arrested on the basis of information furnished by police informer and except suspicion and statement of the co-accused and confessional statement of the applicant before police, there is no other cogent evidence against the applicant on record.
5. He further submitted that it is a case of circumstantial evidence and applicant is having no criminal history and he is in jail in the present matter since 19.11.2020 i.e. for last more than five and half years.
6. He further submitted that therefore, considering the facts of the case, applicant may be released on bail.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the fact that it is a case of circumstantial evidence and applicant is having no criminal history and in the present matter he is in jail for last more than five and half years.

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

9. FIR of the present case was lodged against unknown person under section 364 IPC but during investigation after recovery of the dead body of the deceased, case was converted under section 302 IPC.

10. Record further suggests that during investigation on the basis of information furnished by police informer, applicant has been made accused in the present matter and it also reflects, except suspicion and statement of the co-accused and confessional statement of the applicant before police, there is no other cogent and admissible evidence against the applicant on record.

11. Further, applicant is having no criminal history and he is in jail in the present matter for last more than five and half years.

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

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

14. Let the applicant-**Avinash Rai @ Anshu**, 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.

15. 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.

16. 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 5, 2026
Ankita

(Sameer Jain,J.)