



2026:AHC:11833

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 42376 of 2025

Rajan Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aryan Srivastava, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Sri P. C. Srivastava, learned Senior Counsel assisted by Sri Aryan Srivastava, learned counsel for the applicant, Sri Rajesh Kumar Singh, learned AGA for the State-Respondent and perused the record.

The present 2nd bail application has been moved on behalf of accused-applicant seeking enlargement on bail in Case Crime No. 215 of 2024, under Sections 103(1), 258-Kha of the Bharatiya Nyaya Sanhita, 2023, Police Station Rajatalab, District Varanasi. The first bail application of the applicant was rejected by this Court vide order dated 03.09.2025 passed in Criminal Misc. Bail application No. 4013 of 2025. The applicant is languishing in jail since 22.11.2024.

Sri P. C. Srivastava, learned Senior Counsel while pressing the second bail plea on behalf of the applicant has vehemently submitted that the applicant is the son of the deceased and also the informant of the present case. The applicant has been falsely implicated only on the basis of CCTV footage. The father of the applicant suffered five ante-mortem injuries and died of coma as a result of head injury. There is no eye witness of the incident and the stick used in the crime has been falsely shown to have been recovered from the applicant.

Sri P. C. Srivastava, learned Senior Counsel submits that the implication of the applicant is on the basis of CCTV footage. It is contended that there are serious discrepancies in the evidence of CCTV footage inasmuch as the CCTV timing and date do not tally with the FIR version. The incident in question is stated to have taken place on 21.11.2024 at about 6.00 PM in the

evening whereas in the CCTV footage the date reflected is 19.11.2024 and the time reflected is 10:58:20 to 10:58:35 without there being any explanation for the variance. The statement of the inquest witnesses i.e. Raj Kumar Yadav, Bablu Yadav, Bhagwan Das Yadav have all stated that the applicant and Deenanath Yadav have committed the crime. One another inquest witnesses namely Ram Saran has stated that Deenanath Yadav had confessed before him to have committed the crime along with the applicant. It has also been argued that charge sheet against the applicant and Deenanath Yadav has already been filed on 27.12.2024 and investigation against the applicant stands concluded. It is also submitted that co-accused Deenanath Yadav has already been granted bail by the Co-ordinate Bench of this Court vide order dated 01.04.2025 passed in Criminal Misc. Bail application No. 3327 of 2025 and the applicant is also entitled to be released on bail on the ground of parity.

It has also been argued that the trial is proceeding and PW1 and PW2, who are constable Kumar Gaurav, the applicant have already been examined. The Sub Inspector Ankur Kumar, who conducted the inquest, has also been examined as PW3. It is argued that the applicant being the informant is the only fact witness who has already been examined and there is no likelihood of the applicant influencing the other witnesses who are inquest witnesses expert witnesses or police witnesses. It has also been submitted that there are 13 witnesses in all and the trial is not likely to conclude in the near future. The applicant undertakes to cooperate with the trial, is not a flight risk and undertakes to abide by the terms of the bail and not misuse the liberty granted if released on bail. Hence bail has been prayed for.

Learned AGA has vehemently opposed the prayer of bail, but could not dispute the above submissions raised by learned counsel for the applicant.

Considering all those facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima-facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is **allowed**.

Let the accused-applicant, **Rajan Yadav**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two

reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

January 14, 2026

pks

(Ashutosh Srivastava,J.)