



2026:AHC:5980

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 35176 of 2025

Arshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manvendra Singh
Counsel for Opposite Party(s)	:	G.A., Sunil Kumar Srivastava

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Manvendra Singh, learned counsel for the applicant; Sri Sunil Kumar Srivastava, learned counsel for the informant and Sri R.N. Srivastava, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 46 of 2025, under Sections 333, 103(1), 115(2), 352, 351(3), 1096, 3(5) BNS, Police Station Deoband, District Saharanpur, during pendency of the trial in the court below.
4. This is the second bail application filed on behalf of the applicant and the first bail application of the applicant has been dismissed by this Court vide order dated 23.5.2025 after considering the fact that applicant was named in the FIR alongwith co-accused Talhar and Alishan and they caused knife injuries to the deceased and even in the incident informant and his nephew also sustained knife injuries but during trial when informant was examined then he changed the prosecution case and stated that co-accused Talhar caused knife injuries to him and another injured and even to the deceased and only role of exhortation and catching hold has been assigned to the applicant and co-accused Alishan by him.
5. He further submits that applicant is having no criminal history and he is in jail in the present matter since 29.1.2025 i.e. for last almost a year.
6. Per contra, learned AGA as well as learned counsel for the informant

opposed the prayer for bail and submit that this is second bail application filed on behalf of the applicant but could not dispute the fact that during trial informant who was also one of the injured did not assign any role of causing injury to the applicant.

7. They further could not dispute the fact that applicant is not having any previous criminal history and in the present matter, he is in jail for almost a year.

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

9. However, this is second bail application filed on behalf of the applicant and his first bail application has been dismissed on merit after considering the fact that he alongwith two others caused knife injuries to the deceased and injured persons including informant but it appears when informant of the case who was also one of the injured of the case appeared before the trial court then he categorically stated that co accused Talhar was the person who caused knife injuries to the deceased and also to him and another injured and he attributed only the role of exhortation and catching hold to the applicant.

10. Further, applicant is not having any previous criminal history and in the present matter, he is in jail for almost a year.

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

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

13. Let the applicant-**Arshad**, 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.

14. 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.

15. 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.

January 8, 2026
Ankita

(Sameer Jain,J.)