



2026:AHC:3084

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41121 of 2024

Netram

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajjan Singh Yadav
Counsel for Opposite Party(s)	:	G.A., Rama Shanker Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Rajjan Singh Yadav, learned counsel for the applicant and Sri Rama Shanker Mishra, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 255 of 2024, under Section 302 of BNS, Police Station - Puwayan, District - Shahjahanpur**, during the pendency of trial.
4. As per prosecution story, the co-accused Sohit and one brother-in-law of Naresh son of Girwardayal are stated to have taken away the deceased person along with them on 27.03.2024 at about 04:00 PM and his dead body was recovered later on. The applicant is stated to be the brother-in-law of said Naresh.
5. Learned counsel for the applicant has argued that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. There is no test identification parade to corroborate the prosecution story. The applicant has simply been made an accused on the basis of suspicion only.
6. Learned counsel has also stated that the applicant is languishing in jail

since 31.3.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned AGA and learned counsel for the informant have vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that the applicant is not named in the FIR as only the relationship is mentioned in it and no test identification parade was conducted as per Section 7 of BSA, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Netram**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 6, 2026

Siddhant