



2026:AHC:19228

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 23244 of 2025

Monu @ Monu Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shailendra Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the applicant does not propose to file rejoinder affidavit.
2. Heard learned counsel for the applicant and Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 324 of 2023, under Sections 302, 201, 394 I.P.C., Police Station Lanka, District Varanasi, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case.
5. Learned counsel for the applicant has further argued that the applicant is not named in the FIR. Even the dead body was not identified till 19.8.2023. The informant is son of the Ex-Pradhan and he has nothing to do with the said incident. The driver of the truck had filed a missing report at the police station on 16.8.2023 and there he was informed by the police about the dead body the same day but he did not care to identify the said dead body from police station Mughal Sarai. Rather, he did go to the mortuary to identify the dead body on 19.8.2023 only. The said delay of three days in identifying the dead body speaks volume of the involvement of the driver of the said truck, as such, the statement of the driver that he has asked the deceased to fetch the vegetables by giving him Rs. 200/- cannot be relied upon.

6. It is further stated that the CCTV footage indicates that the applicant was plying his cycle alongwith the deceased but the said place is far away from the place of recovery of the dead body, as such, it is a clear-cut case of false implication. There is no criminal history of the applicant. The applicant is languishing in jail since 22.8.2023 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that the applicant is not named in the FIR and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Monu @ Monu Kumar**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall 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 27, 2026

Shalini