



2026:AHC:14347

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 11520 of 2025**

Than Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Ram Raj Pandey, Satish Chandra Mishra  
Counsel for Opposite Party(s) : G.A., Ramesh Kumar Shukla

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**Court No. - 66**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised.
2. Heard Sri Ram Raj Pandey, learned counsel for the applicant, Sri Ramesh Kumar Shukla, learned counsel for the informant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.11 of 2025, under Sections 140(1), 103(1), 238, 3(5) B.N.S., Police Station Sherkot, District Bijnor, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is not named in the FIR. His name has come up subsequently in the statement of the co-accused person and a false joint recovery of motorcycle, fawada, rope and car of the co-accused person has been foisted on the applicant. Subsequently, at the joint pointing out, the dead body of the deceased person is stated to have been recovered, which was excavated from the agricultural field of the applicant only. There is no test identification parade of the applicant, as such, it is a clear-cut case of false implication of the applicant. The case of the applicant is at a different footing to the named accused persons, namely, Vipin and Jaiveer.
5. Learned counsel for the applicant has further argued that the complete recovery process is sham. Had the dead body been recovered from the agricultural field of the applicant, the inquest proceedings would have been

conducted there, and then only, but the inquest proceedings were ironically conducted at the mortuary of the District Hospital, Moradabad. There is no criminal history of the applicant. The applicant is languishing in jail since 10.01.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the applicant being not named in the FIR and there being no test identification parade as per Section 7 of Bharatiya Sakshya Adhiniyam, 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**.

8. Let the applicant- **Than Singh**, 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.

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

10. 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 20, 2026**

(Ravi Kant)