



2026:AHC:6262

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 16205 of 2025

Seraj Ahmad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anshu Chaudhary, Ram Mani
Upadhyay, Sarvjeet Kumar, Shyam
Sunder Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Anshu Chaudhary, learned counsel for the applicant,
Shri Arimardan Yadav, learned AGA for the State-respondents
and perused the record.

This bail application under Section 483 of Bharatiya Nagarik
Suraksha Sanhita, 2023 has been moved on behalf of accused-
applicant, Seraj Ahmad, seeking enlargement on bail in Case
Crime No. 233 of 2024, under Sections 109 (1), 3 (5) of the
Bharatiya Nyaya Sanhita, 2023, Section 3/25 Arms Act, Police
Station Kaptanganj, District Basti, during the pendency of the
trial before the Court below.

Learned counsel for the applicant argued that the accused-
applicant is innocent. He has been falsely implicated in this very
case crime number and is languishing in jail since 2.1.2025.
Learned counsel for the applicant submits that role of firing has
been assigned against the applicant. There are material
contradiction in the statement of injured as well as witness
Farukh, who is stated to be a star witness. One place injured said
that he made a telephonic call on his home and his cousin brother
Farukh attended the call thereafter, Farukh reached on the spot.
Whereas, Farukh in his statement recorded under Section 180
BNSS said that while standing on the *Paan* shop he heard sound

of a gunshot and thereafter, he reached on the spot. Learned counsel for the applicant further submits that injured also got recorded in his statement that motive for false implication of applicant is very well established from Page 51 annexed with the supplementary affidavit wherein injured himself said that injured was an accused in the murder of mother of applicant. Learned counsel for the applicant submits that charge sheet in this case has already been filed on 27.3.2025. The FSL report of fire arm has not yet been received. He has one case of criminal antecedent, which has sufficiently been explained and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above 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, **Seraj Ahmad**, 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.

(Ashutosh Srivastava,J.)

January 9, 2026

Ravi Prakash