



2026:AHC:65377

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 7908 of 2026

Bhure Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Ashraf
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant as well as Sri Anupam Anand, learned Brief Holder for the State-opposite party, and perused the record.
2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 484 of 2025, under Sections 3, 5, 8 Prevention of Cow Slaughter Act, 1955, Police Station Khutar, District Shahjahanpur during the pendency of the trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. The name of the applicant was disclosed by co-accused Mujiburrahman @ Neta, who was arrested at the spot. The said statement, insofar as it implicates the applicant, is unreliable. No recovery of any incriminating article has been made from the applicant. Co-accused Mujiburrahman @ Neta has been granted bail by this Court vide order dated 27.01.2026 passed in Criminal Misc. Bail Application No. 1093 of 2026, Mujiburrahman alias Neta v. State of U.P. The applicant claims parity. Criminal history of the applicant has been explained in Paragraph-14 of the affidavit filed in support of the bail application and Paragraph-2 of the supplementary affidavit. The applicant is in jail since 21.11.2025. In case he is enlarged on bail, he will not misuse the said liberty.
4. Learned Brief Holder for the State has opposed the prayer for bail. He submits that the applicant has criminal antecedents.
5. After hearing the rival contentions, this Court is of the *prima facie* opinion that the name of the applicant was disclosed by co-accused

Mujiburrahman @ Neta, who was arrested at the spot. No recovery of any incriminating article has been made from the applicant. Co-accused Mujiburrahman @ Neta has been granted bail by this Court.

6. Insofar as the criminal antecedents of the applicant are concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. In the opinion of this Court, if the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, when no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused. Hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

7. In **Ash Mohammad v. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para- 30 has observed as under:

"We may hasten to add that when we state that the accused is a history-sheeter, we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

8. In the case of **Prabhakar Tewari v. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

9. Further, the applicant has remained confined for more than four months and there is no hope of early conclusion of trial, hence, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant- Bhure Khan, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy sureties (in view of criminal history) each in the like amount to the satisfaction of the court concerned subject to conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear on the first Sunday of every month at the Police Station concerned.

11. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

March 28, 2026
SKT/-

(Vivek Varma,J.)