



2026:AHC:10288-DB

Reserved On :- 18.12.2025

Delivered On :- 14.01.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL APPEAL No. - 9392 of 2022

Bhoora @ Mudassir And 3 Others

.....Appellant(s)

Versus

State of U.P.

.....Respondent(s)

Counsel for Appellant(s)	: Ashish Dutt Dubey, Nushra Siddiqui, Raghuvansh Misra, Sheshadri Trivedi, Sr. Advocate, Vivek Mishra
Counsel for Respondent(s)	: Ambreen Masroor, G.A., Jitendra Kumar, Prakhar Saran Srivastava, Sadrul Islam Jafri

In Chamber

HON'BLE SIDDHARTH, J.

HON'BLE PRASHANT MISHRA-I, J.

(Delivered By Hon'ble Siddharth, J.)

1. Heard Sri Ajay Kumar Pandey and Sri Raghuvansh Misra, learned counsel for the appellants; Sri N.I. Jafri, learned Senior Counsel assisted by Sri Nushra Siddiqui and Sri Vivek Misra, learned counsel for the informant; Mrs. Manju Thakur, learned AGA-Ist for State-respondents and perused the record.

2. This bail application has been moved on behalf of appellants-applicants, Bhoora @ Mudassir, Saida Hasan, Manawwar and Jahir Alam, praying to enlarge them on bail in Sessions Trial No. 731 of 2007 (State vs. Mukarram and others) arising out of Case Crime No. 06 of 2007, under Sections- 147, 148, 302/149 of the IPC, Police Station- Kakrauli, District- Muzaffar Nagar, during the pendency of this appeal.

3. The prosecution case is that on 01.07.2007, the informant and his son, Jan Mohammad had gone to offer *Namaz* in the Masjid. At about 02:00 P.M., when they were about to leave for their house from Masjid, then their co-villager Mukarram and Bhura alias Mudasshir son of Kalim Baksh and Javed armed with rifles and Shaida Hasan and Munauwar armed with country made pistols entered in side the Masjid, who had prior enmity with

the informant. Shaida Hasan exhorted Jan Mohammad to finish Jan Mohammad and all the accused fired from their weapons on Jan Mohamad. Jan Mohammad fell down after suffering gun shot injuries. The informant and his brother, Islam tried to save Jan Mohammad and then the accused fired on them. They ran to save their lives. The aforesaid incident was seen by the informant, his brother Islam and Sarfarraj son of Islam, Fazul and many other persons who have come to offer *Namaz* at Masjid. Jan Mohammad died on spot

4. Learned counsel for the appellant submits that F.I.R. of this case was ante-timed since it was lodged within one hour and ten minutes of the incident; the prosecution failed to prove any motive behind the commission of the alleged offence; the place of incident was not proved by the prosecution since no signs of firing were found inside the mosque and no independent witness present in the mosque was examined before the trial court; the F.S.L. Report of the weapons allegedly recovered from the appellants failed and hence they have been acquitted of the charges under Section-25 of the Arms Act.: P.W.-1 and P.W.-2 escaped unhurt and therefore, the appellants were acquitted of the charges under Section-307/149 of I.P.C.; the prosecution failed to explain the grievous injury sustained by Mazoor Hasan, father of appellant no.1 and the cross version of the incident was not considered by the trial court. In the statement of P.W.-3, Sub Inspector, Indrapal Singh, he stated that in the presence of senior officials and on inquiry from the people residing in the locality, he came to know that firing was made from both the sides. Some of the persons informed that the firing was first made from the side of the deceased, Shahnawaz, while some of them were stating otherwise.. The appellants were on bail during the trail and their criminal antecedents of three implications each of appellants have been explained in the Rejoinder Affidavit filed on behalf of the appellants. They are in jail since the date and judgment of the trial court dated 17.11.2022.

5. Counsel for the informant and learned counsel for the state vehemently opposed the bail application of the appellants, but have not been able to rebut the submissions made on behalf of the appellants.

6. In the Rejoinder Affidavit filed on behalf of appellants, it has been pleaded that appellant no. 2, Saida Hasan has died on 09.03.2023 during the pendency of this appeal. In view of the above the office is directed to get report regarding the living status of appellant no. 2, Saida Hasan.

7. Learned A.G.A. has vehemently opposed the prayer for bail of applicants-appellants but could not dispute the contentions of the learned counsel for the appellants.

8. After hearing the rival submissions and considering the fact that there are more than two hundreds criminal appeals being listed before this court per day and it is not humanly possible to decide all on merit. There is remote possibility of hearing of this appeal in near future hence prayer for grant of bail to the appellant nos. 1, 3 and 4 are allowed.

9. Let the applicant-appellant nos. 1, 3 and 4, namely, Bhoora @ Mudassir, Manawwar and Jahir Alam, convicted and sentenced in the aforesaid crime be released on bail on their furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned.

10. The sentence awarded to applicants-appellants shall also remain suspended during the pendency of this appeal.

11. Applicants-appellants shall not transfer, sell, alienate or create any charge on the immovable property in their names, while on bail save with leave of this court.

12. As soon as personal and surety bonds are furnished, photocopies of the same are directed to be transmitted to this Court forthwith by the concerned court to be kept on record.

13. The appellants-applicants are directed to deposit 50% of fine within a period of one month from the date of their release from jail. Remaining 50% of fine shall remain stayed till the pendency of criminal appeal.

14. It is made clear that in case, the fine is not deposited within the time as specified above, the same shall be recovered in accordance with law.

Order on Criminal Appeal

15. Lower court record has been received.

16. Office is directed to get the paper book prepared within six weeks.

17. List this appeal for hearing in due course.

January 14, 2026
Rohit

(Prashant Mishra-I,J.) (Siddharth,J.)