



2026:AHC:12321

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 13228 of 2025**

Mohd. Saif

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

---

|                               |   |                       |
|-------------------------------|---|-----------------------|
| Counsel for Applicant(s)      | : | Sudhir Kumar Tripathi |
| Counsel for Opposite Party(s) | : | G.A.                  |

---

**Court No. - 66**

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

1. List has been revised. Supplementary affidavit filed today is taken on record.
2. Heard Sri Sudhir Kumar Tripathi, learned counsel for the applicant, 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.831 of 2024, under Sections 103(1), 309(4), 317(2) B.N.S., Police Station Chiluawatal, District Gorakhpur, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant has nothing to do with the said offence. He is not named in the FIR. He has been implicated in the case on the basis of suspicion only. The applicant had accompanied the deceased to a bar, but the place of the recovery of dead body is far away from the said bar. There is no CCTV footage of the applicant and the deceased person at the place of occurrence.
5. Learned counsel for the applicant has further argued that the criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 09.11.2024 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 A.G.A. has vehemently opposed the bail application but the

submissions raised by the learned counsel for the applicant could not be disputed.

7. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

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 has been implicated in the case on the basis of suspicion only, 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- **Mohd. Saif**, 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 19, 2026**  
(Ravi Kant)