



2026:AHC:12641

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19411 of 2025

Faizan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Bhanu Kumar Ratnakar, Mohd. Monis,
Ravi Shankar Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Mohd. Monis, 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. 43 of 2025, under Section 103(1) BNS, Police Station Binawar, District Budaun, during the pendency of trial.
4. As per prosecution story, on 23.2.2025 at about 11.30 pm, after hearing the shots, the informant saw the applicant and the co-accused person running away from the place of occurrence and found the dead body of the deceased lying nearby.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about six hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that the role of the applicant is at a different footing to that of the main accused person Rizwan @ Muskan, who is stated to have enticed away the daughter of the informant and it has come up in the statement of the informant itself recorded u/s 180 BNSS that the pistol was being carried by Rizwan @ Muskan only. There is no criminal history of the applicant. The applicant is languishing in jail since

26.6.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. 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.

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 statement of the informant and the fact that the role of applicant is at a different footing to that of the co-accused person Rizwan @ Muskan 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- **Faizan**, 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

Shalini