



2026:AHC:53564

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8964 of 2026

Satish Chandra @ Happu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anjali Singh Tomer, Inder Pal Singh Tomar

Counsel for Opposite Party(s) : G.A., Pankaj Kumar Chahar

Court No. - 66

(Sl. No. 14 out of 121)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Inder Pal Singh Tomar, learned counsel for the applicant, Sri Pankaj Kumar Chahar, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 162 of 2025, under Sections 103(1), 191(2), 191(3), 3(5), 190, 351(3), 352 and 61(2) BNS, Police Station Ughaiti, District Budaun, during the pendency of trial.
4. As per prosecution story, the applicant alongwith six other named accused persons assaulted the brother of the informant on 2.9.2025 at about 7.00 am and hurt him mercilessly. The brother of the informant was rushed to hospital whereby he was declared as brought dead.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case out of political vengeance, as he is the husband of Gram Pradhan of the village. The FIR is delayed by about ten hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that the inquest report was prepared well before the institution of the FIR. The inquest

proceedings were completed at 4.00 pm on 2.9.2025 itself and the informant is the panch witness no. 3 in the said inquest report. Had the informant seen the incident, he would have mentioned at that stage at the first instance.

7. Learned counsel has next stated that there is a video recording taken into possession by the police and the said video recording stated that the applicant had fired at the deceased causing gunshot injury to him. The said video recording of the statement of the deceased has been considered by this Court earlier on to have fallen within the category of dying disposition. The said statement is contradictory to the post-mortem report, whereby no gunshot injury has been observed on the body of the deceased. The post-mortem report indicates total number of twelve injuries on his body and injury nos. 11 and 12 are on the lower limbs of the deceased and they are lacerated wounds and the bones beneath the said injuries were found fractured, as such, the applicant is entitled for bail.

8. There is no criminal history of the applicant. The applicant is languishing in jail since 19.2.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

9. Learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the name of the applicant finds mentioned in the said statement of the deceased which was video-recorded and taken into possession by the investigating officer. The said statement tantamounts to dying disposition but the said fact cannot be disputed that the statement recorded does not match with the post-mortem report as far as the case of the applicant is concerned.

10. 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 case of the applicant is inconsistent to the said dying disposition of the deceased, as no gunshot injury was observed by the doctor conducting autopsy of the deceased 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**.

11. Let the applicant- **Satish Chandra @ Happu**, 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.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. 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.)

March 17, 2026

Shalini