



2026:AHC:9012

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 782 of 2026

Anshu Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhil Krishna, Ravindra Prakash
Srivastava

Counsel for Opposite Party(s) :

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Akhil Krishna, learned counsel for the applicant, Sri Chandra Shekhar Kushwaha, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.47 of 2025, under Sections 103(1) & 238 B.N.S., Police Station- Sarayinayat, District- Prayagraj, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have called the deceased person on phone to come to a marriage procession on 24.2.2025 at about 07:00 p.m., whereby the informant got the information in the morning of 25.2.2025 at about 05:30 a.m. that his son has been put to death, as such, he got apprehension in his mind that it was the applicant who could have committed the murder of his son.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed by about fourteen hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further stated that the name of applicant has come up on the basis of suspicion only. There is no last seen

evidence from the marriage procession, as such, it is a clear cut case of false implication. Therefore, the applicant is entitled to be enlarged on bail.

7. It is further argued by learned counsel for the applicant that there is no criminal antecedent of the applicant. The applicant is languishing in jail since 2.3.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Per contra, learned counsel for the informant and learned State Law Officer have vehemently opposed the bail application on the ground that the motive is stated to be Rs.36,000/- which was taken by the applicant from the deceased person, as such, he has committed the said offence.

9. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

10. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.***

11. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

12. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

13. 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 applicant has been nominated on the basis of

suspicion only and there is no last seen evidence from the marriage procession, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

14. Let the applicant- **Anshu Yadav**, 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

16. 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 14, 2026
Vikas Verma