



2026:AHC:54064

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9099 of 2026

Shubham Chaudhary @ Mani

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Onkar Singh, Sachin Malik
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

(Sl. No. 25 out of 121)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Onkar Singh, learned counsel for the applicant, as well as Sri R.P. Patel, learned State Law Officer, and perused the material available on record.

3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 258 of 2025, under Sections 191(2), 190, 140(1), 351(3), 352, 115(2), 333, 131, 103(1), 3(5), 238(A) & 109(1) of BNS, Police Station—Chhapar, District—Muzaffarnagar**, during the pendency of trial.

4. As per the prosecution story, the informant and Arvind Pandey (now deceased) were working as Manager and Deputy Manager of the Toll Plaza, Chhapar, Muzaffarnagar, respectively, and living in a rented room. It is alleged that the applicant, along with co-accused Shiv Malik and 3–4 unknown assailants, had barged into the house by calling Arvind Pandey, and after entering, hurled abusive words and assaulted the informant and the deceased with lathi-danda and iron rods, causing injuries to both. The deceased sustained grievous injuries. Subsequently, the applicant and other co-accused are further alleged to have abducted Arvind Pandey and had taken him in their car on 19.09.2025 at about 01:30 AM.

5. Learned counsel for the applicant submits that the applicant has been

falsely implicated due to prior animosity between the informant and the applicant, who were earlier employed at a toll plaza in Haryana. It is also stated that the FIR was lodged after a delay of about 17 hours, for which no plausible explanation has been furnished.

6. Learned counsel has further stated that there is no information regarding the abduction furnished by the informant at any place whatsoever. The injuries sustained by the informant Mukesh Chouhan are four in number. Injury No. 1 is described as follows: *“A wound of size 8 cm in length present on left side of head, wound already closed with silk suture, total no. of sutures = 03, wound is 8 cm away from left ear pinna.”* It is argued that there is no explanation regarding where the injured Mukesh Chouhan received treatment and got the sutures applied to his head. His injury report also does not match the version of FIR, as he was examined on 19.09.2025 at 12:50 PM, with the duration of the injury being 12–24 hours old.

7. Learned counsel has next stated that the postmortem report of the deceased was prepared on 20.09.2025, with the postmortem examination starting at 05:35 PM. The duration of the injuries was noted as two days, which does not match with the date of the incident, i.e., 19.09.2025 at about 01:30 AM, with a discrepancy of about six hours. It is also argued that the incident may have been committed during the night of 18/19.09.2025, much before the time mentioned in the FIR. The postmortem report indicates 100 ml of dark reddish fluid in the stomach of the deceased, suggesting that the incident occurred before midnight, as the stomach was empty of any solid material.

8. Learned counsel has lastly contended that the applicant is languishing in jail since 20.09.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty and shall cooperate with the trial.

9. Per contra, learned State Law Officer has strongly opposed the prayer for bail, contending that there is a statement of eyewitness Suraj, who has categorically reiterated the prosecution story and corroborated the allegations made in the FIR. It is also stated that the applicant is named in

the FIR, and the deceased's body was recovered after the incident as an unidentified body. The complicity of the applicant cannot be ruled out, as he was allegedly one of the persons who abducted the deceased after assaulting him. As such, the applicant is not entitled to be enlarged on bail.

10. Having considered the rival submissions of learned counsel for the parties, the nature of the accusations, the fact that the applicant is named in the FIR, having allegedly abducted the deceased person, the recovery of the deceased's body, and the injuries sustained by the informant, this Court does not find it to be a fit case for grant of bail.

11. Accordingly, the bail application is **rejected**.

12. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab 2015 (3) SCC 220** and **Hussain and Another vs. Union of India (2017) 5 SCC 702**, if there is no legal impediment.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

March 17, 2026

Siddhant