



2026:AHC-LKO:20052

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1966 of 2026

Mohd. Shahab

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Riyaz Ahmad, Hemant Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. On a query being put, the learned AGA submitted that he has complete instructions in the matter, as such, this Court proceeded to hear the application seeking bail on merits.
2. Heard the learned counsel for the applicant, the learned AGA for the State of U.P. and perused the record.
3. The present bail application has been filed by the applicant seeking bail in FIR/Case Crime No.82 of 2024, under Sections- 147, 148, 149, 302, 120-B, P.S.-Bazar Khala, District-Lucknow.
4. While pressing the application for bail, the learned counsel for the applicant submitted that applicant has been falsely implicated in the present case.
5. It is also stated that co-accused persons namely Mohd. Kareem alias Parvez, Mohd. Jamal Haroon alias Harish and Mohd. Zubair have already been enlarged on bail by this Court vide order dated 12.03.2026, 13.03.2026 and 18.03.2026 passed in Criminal Misc. Bail Application Nos.816 of 2026, 11849 of 2026 and 1951 of 2026. The relevant portion of the order dated 13.03.2026 passed in the case of co-accused/Mohd. Jamal Haroon alias Harish reads as under:-

"4. It is stated that co-accused namely Mohd. Kareem @ Parvez has already been enlarged on bail by this Court vide order dated 12.03.2026 passed in Criminal Misc. Bail Application No.816 of 2026. The relevant portion of the order dated 06.11.2025 passed in Criminal Misc. Bail Application No.10110 of 2025 reads as under:-

"1. Heard Sri Riyaz Ahmad, the learned counsel for the applicant, Sri Mayank Sinha, the learned A.G.A. for the State, Sri Kunwar Bahadur Singh, the learned counsel for the complainant and perused the record.

2. Counter affidavits filed by the State and the complainant are taken on record.

3. This is second application seeking release of the applicant on bail in Case Crime No. 82/2024, under Sections 147, 148, 149, 302, 120-B IPC, Police Station Bazar Khala, District Lucknow.

4. The first bail application No. 9431/2024 was rejected by means of an order dated 29.04.2025. This second application has been moved on the ground that subsequent to rejection of the first bail application, 7 witnesses of fact have been examined, 4 of whom have turned hostile and other 3 have stated that they have not witnessed the incident.

5. The applicant is languishing in jail since 29.05.2024 and he is aged 62 years.

6. Keeping in view the aforesaid facts and circumstances of the case, I am of the view that the applicant is entitled to be enlarged on bail.

7. Accordingly, this bail application stands allowed.

8. Let the applicant- Mohd. Kareem @ Parvez be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the following conditions:
-"

5. It is further stated that the applicant is in judicial custody since 15.05.2025. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty of bail and the possibility of conclusion of trial in near future is extremely bleak. In these circumstances, the applicant is entitled to be released on bail.

6. Learned A.G.A. opposed the prayer for grant of bail but he could not dispute the above contentions made by the learned counsel for the accused-applicant.

7. Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties including which are related to allegations made in the FIR and keeping in mind the period of incarceration as also that co-accused persons has already been released on bail by this Court as also chance of conclusion of trial in near future and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

8. Let the applicant-Mohd. Jamal Haroon @ Harish be released on bail in aforesaid Case Crime, on his furnishing personal bond to the satisfaction of the court concerned forthwith. Applicant is also directed to furnish two reliable sureties, out of which one shall be the family member of the accused-applicant each of the like amount to the satisfaction of the court concerned subject to following conditions:- "

6. It is further stated that the applicant is in judicial custody since 29.05.2024. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty of bail and the possibility of conclusion of trial in near future is extremely bleak. In these circumstances, the applicant is entitled to be released on bail.

7. Learned A.G.A. opposed the prayer for grant of bail but he could not dispute the above contentions made by the learned counsel for the accused-applicant.

8. Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties including which are related to allegations made in the FIR and co-accused persons, named above, have already been released on bail by this Court and keeping in mind the period of incarceration as also the chance of conclusion of trial in near future and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

9. Let the applicant- **Mohd. Shahab** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties, out of which one should be of family member/close relative, each of the like amount to the satisfaction of the court concerned subject to following conditions :-

- (i) The applicant shall cooperate with the prosecution during trial.
 - (ii) The applicant shall not tamper with the evidence during trial.
 - (iii) The applicant shall not pressurize/intimidate the prosecution witness(s).
 - (iv) The applicant shall not commit an offence.
 - (v) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.
 - (vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.
 - (vii) The applicant shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.
 - (viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.
10. In case of default of above conditions, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law
11. As this order relates to enlargement of the applicant on bail, it is clarified that observation(s) made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation(s) made in this order.

12. Application is **disposed of**.

March 19, 2026
Arun/-

(Saurabh Lavania,J.)