



2026:AHC-LKO:21621

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2155 of 2026

Deepak Katiyar

.....Applicant(s)

Versus

State Of U.P. Thru. Secy, Home Deptt. Lko

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Tripathi, Vijay Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Shri Alok Kumar Mishra, Advocate has put in appearance on behalf of complainant and has filed his vakalatnama, which is taken on record.
2. Heard learned counsel for the applicant, learned AGA for the State and Shri Alok Kumar Mishra, learned counsel for the complainant.
3. By means of this application, the applicant, who is involved in Case Crime No. 680 of 2025, under section 103(1) and 238 of the B.N.S., Police Station Shahabad, District- Hardoi is seeking enlargement on bail during the trial.
4. Brief facts of the present case are that an FIR dated 13.11.2025 has been lodged against the unknown persons. It has been narrated in the FIR that on 23.10.2025, the brother of the complainant/informant had left house and when he tried to contact him, it was found his mobile was switched off. When he had not returned home for a long time, he tried to find his brother by asking neighbors and relatives. On 02.11.2025, the Police has recovered a body and after identification, it has been found that it is the body of his brother.
5. Learned counsel for the applicant has submitted that the applicant has not been named in the FIR. The informant or family members of the deceased had not filed any missing report between 23.10.2025 till 02.11.2025 (when the body was recovered by the Police party).
6. It is further submitted that the Post Mortem was conducted on 04.11.2025 and the Doctor has observed therein that cause of death could not be ascertained due to partial skeleton body with a further observation that in autopsy, no injury was found. Thereafter the FIR was lodged by the informant on 13.11.2025 without explaining the delay in lodging the

FIR. The applicant alongwith other co-accused persons have been made accused in the present case on the basis of their confessional statement to the Police, which is impermissible in evidence. The investigation is still going on.

7. It is further submitted that a co-accused namely Anish Pal Singh, who has approached this Court by filing Criminal Misc. Anticipatory Bail Application U/S 482 BNSS No. 502 of 2026 in which an ad-interim anticipatory bail has been granted by this Court vide its order dated 19.03.2026. Copy thereof has been provided to this Court by learned counsel for the applicant during the course of argument, which is taken on record.

8. It is further submitted that the applicant has no criminal history.

9. On the other hand, learned AGA and Shri Alok Kumar Mishra, learned counsel for the informant on the basis of instructions have submitted that as per their confessional statement, the offense is made out against the applicant and other co-accused persons.

10. It is further submitted that the investigation is still going on and some new evidence may be found against the applicant during the investigation.

11. Having heard learned counsel for the parties and perused the material available on record; it is found that applicant has not been named in the FIR; No FIR was lodged by the informant or family members of the deceased about the missing of deceased between 23.10.2025 till 02.11.2025, even after the alleged identification of body by the informant recovered by the Police on 02.11.2025, the FIR has been lodged on 13.11.2025; there is no eye witness of the alleged incident; the co-accused has already been granted ad-interim anticipatory bail by this Court; the applicant and co-accused persons have been made accused in the present case on the basis of their confessional statement, prima-facie, it is found that it is a fit case in which the applicant may be enlarged on bail.

12. Accordingly, the instant bail application is ***allowed***.

13. Let the applicant **Deepak Katiyar** be released on bail in the aforesaid case crime number on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant will cooperate with the prosecution during trial.

(ii) The applicant will not tamper with the evidence during trial.

(iii) The applicant will not pressurize/intimidate the prosecution witness(es).

(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 and will not abscond.

(vii) The applicant will 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.

14. 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.

15. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

(Manish Kumar,J.)

March 26, 2026

Ashish