



2026:AHC:57057

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 397 of 2026

Sajid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Birendra Kumar Mishra, Byas Kumar Prasad
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Byas Kumar Prasad, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.0435 of 2025, under Sections 331(4), 305(a), 317(2) and 61(2) BNS, Police Station Jagdishpura, District Agra, during pendency of the trial.
3. Learned counsel for the applicant submits, however, applicant was not named in the FIR but during investigation he has been made accused on the basis of false recovery of alleged stolen mobile phone.
4. He next argued, all the offences are triable by Magistrate.
5. He next submits, applicant is having criminal history of five other cases but his criminal history has been duly explained in the supplementary affidavit filed in support of the instant bail application and in all the cases applicant is on bail.
6. He next submits, in the present matter, applicant is in jail since 04.08.2025 i.e. for last more than seven months.
7. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on fact advanced by learned counsel for the applicant.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, as per allegation from the possession of the applicant stolen mobile phones were recovered but all the alleged offences are triable by Magistrate.

10. Further, applicant is however having criminal history of five other cases but his criminal history has been duly explained in the supplementary affidavit filed in support of the instant bail application and in all the cases applicant is on bail.

11. Further, in the present matter, applicant is in jail for last more than seven months.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

14. Let the applicant - **Sajid** 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

15. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

16. 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.

(Sameer Jain,J.)

March 17, 2026
S.A.