



2026:AHC:17780

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1380 of 2026

Aman Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shivam Kumar Modanwal
Counsel for Opposite Party(s)	:	Umesh Kumar Pal, G.A., R.B. Pal

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sudhir Bharti, Advocate holding brief of Sri Shivam Kumar Modanwal, learned counsel for the applicant and Sri R.B. Pal, learned counsel for the informant as well as Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 243** of 2025, **under Sections 191(2), 191(3), 61(2), 103(1), 3(5)** of BNS, **Police Station - Rudrapur, District - Deoria**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is also stated that the applicant is not named in the FIR and his involvement has surfaced only on the basis of his alleged confessional statement and certain CCTV footage. Even the said CCTV footage merely shows the presence of the main accused, who is alleged to have got the offence committed, along with three other persons, wherein they are stated to have consumed liquor during the night. The said footage does not attribute any specific overt act to the applicant.
5. Learned counsel has also stated that no test identification parade has been conducted to establish the identity of the applicant by any independent witness. In the absence of any direct or substantive evidence connecting the applicant with the alleged crime, he is entitled to be enlarged on bail.
6. Learned counsel has next contended that the applicant is languishing in

jail since 5.7.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that there is a recovery of axe at the pointing out of the applicant and the deceased has sustained incised wound, as such, the applicant is not entitled for bail. However, they could not dispute the fact that the applicant has no criminal history.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that the applicant is not named in the FIR and there is no test identification parade of the applicant, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Aman Nishad**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

11. 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.

January 27, 2026
Siddhant

(Krishan Pahal,J.)