



2026:AHC:124845

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18092 of 2026

Raju Kasera Alias Vikas

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sunil Chaudhary
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Shri Sunil Chaudhary, learned counsel for the applicant and Shri Surendra Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 195 of 2009, under Section 302 of I.P.C., Police Station Chowk, District Varanasi, during the pendency of the trial.
3. Learned counsel for the applicant has submitted that the applicant has been falsely implicated in the present case though there is no incriminating material against him. It is further submitted that the applicant has been languishing in jail since 03.05.2022 and till date only five witnesses have been examined. It is further submitted that the first information report has been lodged against unknown alleging therein that the brother of the first informant was murdered by some unknown persons. It is further submitted that as per antemortem report, the cause of death has been shown as postmortem strangulation. It is further submitted that there is no eyewitness to the alleged incident, and the first informant has stated in his subsequent statement that the applicant made an extra-judicial confession in his presence, admitting to having murdered his brother (the deceased). It is further submitted that the applicant is having criminal history, which has been explained in the memo of application and the applicant has been languishing in jail since 03.05.2022 and the trial is not likely to conclude in near future, in case, he is granted bail, he will not misuse the liberty of bail

and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and it has been submitted by him that the applicant remained absconding for a long period, and he will surrender before the Court only after the charge sheet has been filed.

5. First information report has been lodged against unknown alleging therein that the brother of the first informant was murdered by some unknown persons. As per postmortem report, the cause of death has been shown as antemortem strangulation and there is no eyewitness to the alleged incident, and the first informant has stated in his subsequent statement that the applicant made an extra-judicial confession in his presence, admitting to having murdered his brother (the deceased). It is further submitted that the applicant is having criminal history, which has been explained in the memo of application and the applicant has been languishing in jail since 03.05.2022 and the trial is not likely to conclude in near future.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant- **Raju Kasera Alias Vikas** involved in the aforementioned 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, with the following conditions:-

(i) 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.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Varanasi** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

(Jitendra Kumar Sinha,J.)

June 3, 2026

RKM