



2026:AHC:127120

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17471 of 2026

Mohd Arsad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Aditya Nandan, Vikas Srivastava
Counsel for Opposite Party(s)	:	G.A., Raghvendra Prakash

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Vikas Srivastava, learned counsel for the applicant, Shri Raghvendra Prakash, learned Counsel for the informant and learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.69 of 2026, under Sections- 103(1) and 61(2)a of B.N.S., Police Station- Kareli, District- Prayagraj, with the prayer to enlarge him on bail.
3. As per prosecution case, the allegation against the applicant is that the named accused along with others came at the tea shop, where the first informant's father Irfan was sitting and he was shot, as a result he sustained injuries. He was taken to hospital where he was declared dead. Upon this information FIR was lodged against two named accused and some unknown persons.
4. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. It is also submitted that the applicant is not named in the FIR and as per statement of the first informant it was named accused who shot at the deceased. It is also stated by the first informant that on the way to hospital the deceased has told his sister Sufia that he was shot by Rashid Durrani. The eye witness Sufian Ahmad has also stated that it was Rashid Durrani who had shot at the deceased. The allegation against the applicant is that he hatched criminal conspiracy along with other co-accused to commit murder of the deceased due to a land dispute. Admittedly, the applicant was not present at the place of occurrence and it is submitted that there is no evidence with regard to involvement of the applicant in the criminal conspiracy. It is next submitted

that the applicant is languishing in jail since 18.04.2026. In these circumstances, the applicant is entitled to be released on bail. In the event of being enlarged on bail, he shall not misuse the liberty of bail and shall cooperate with the trial proceedings.

5. Learned A.G.A. as well as learned Counsel for the informant have vehemently opposed and have stated that offence is heinous in nature and this is a murder case in which there is evidence that applicant was one of the conspirator, therefore, applicant is not entitled for bail and is liable to be dismissed.

6. Considering the rival submissions of learned counsel for the applicant, learned Counsel for the informant and learned A.G.A. the nature of accusations, the evidence collected by the I.O. and the fact that the role of the applicant is only that of hatching criminal conspiracy and he was not present at the place of occurrence, therefore, looking into the entire facts and circumstances of the case, I am of the considered view that applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Mohd Arsad**, 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.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC (corresponding Section 209 BNS).

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. (corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

June 12, 2026
AdityaG

(Sanjiv Kumar,J.)