



2026:AHC:126992

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17502 of 2026

Ameer Ahmad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Irfanul Huda

Counsel for Opposite Party(s) : Akash Tomar, G.A., Mohit Kumar
Singh, Sujata Choudhary

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Shri Irfanul Huda, learned counsel for the applicant, learned A.G.A for the State of U.P. and Ms. Prachi, Advocate holding brief of Shri Mohit Kumar Singh, learned counsel for informant and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.42 of 2026, under Sections 191(2), 191(3), 190, 109(1), 103(1), 351(2), 3(5) B.N.S. , Police Station - Nauchandi, District Meerut, with the prayer to enlarge her on bail.
3. The prosecution case is that at the alleged date and time of incident, 11 named accused committed assault and fired at Aslam and Shoeb, as a result of which, one Aslam is said to have received gunshot injury and he died and another person Shoeb has also received gunshot injury on his shoulder.
4. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case and there is no specific role has been assigned to the applicant. There are general allegations levelled against him and as per the statements of injured Mohd. Shoeb, the role of the applicant is that of exhortation along with other co-accused Rehan, Ismail @ Sameer @ Sumait and Sameer @ Mota. It is further submitted that similarly placed accused Ismail @ Sameer @ Sumait has been granted bail by coordinate Bench of this Court vide order dated 04.06.2026 in Criminal Misc. Bail Application No.17070 of 2026. It is further submitted that the first informant is not an eye witness and he has reached at the spot after the incident has taken place and he has falsely deposed against the applicant. It is further submitted that the applicant has criminal history of two cases which have been explained in the supplementary affidavit. He further submitted that the applicant has been in jail since 20.04.2026. It is further submitted that the investigation is in progress. 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.

4. Learned A.G.A. has vehemently opposed the prayer for grant of bail to the applicant, the offence is heinous in nature and one person was murdered and the other was seriously injured. Investigation has been completed and charge sheet has been filed. It is also submitted that the applicant has actively participated in the commission of offence. The applicant has criminal history of two cases, which have been explained in the supplementary affidavit.

5. Considering the rival submissions of learned counsel for the applicant, learned A.G.A. and going through the contents of FIR as well as other relevant documents and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is allowed.

6. In view of the above, let the applicant-**Ameer Ahmad** be released on bail on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned with the 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.

7. 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

VS

(Sanjiv Kumar,J.)