



2026:AHC:124547

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19088 of 2026

Rajaram

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Km. Sakshi Patel
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Km. Sakshi Patei, learned counsel for the applicant, Sri Bhupendra Pal Singh, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 290 of 2025, under Sections 103(1), 238, 3(5) BNS and 4/25 Arms Act, Police Station- Sujanganj, District Jaunpur.
3. Contention of learned counsel for the applicant is that as per allegation in the FIR, the deceased had accompanied the applicant and co-accused between 6 to 7 p.m. on 23.10.2025. Thereafter body of the deceased was recovered on 24.10.2025. Thereafter the applicant and co-accused were arrested and a blood stained knife was recovered on the joint declaration of the applicant as well as co-accused persons.
4. Learned counsel for the applicant submitted that there is no eye witness of the incident who had seen lastly the deceased in the company of the applicant even the FIR was lodged after recovery of the dead body and name of the applicant has been mentioned in the FIR merely on the basis of apprehension and doubt. It is further submitted that recovery of blood stained knife, on the basis of joint declaration, is not reliable and not admissible under Section 23(2) of BSA. Learned counsel for the applicant further relied upon the judgement of Apex Court in the case of **Ananda Jakkappa Pujari @ Gaddadar vs State of Karnatka, in Criminal Appeal No.1864 of 2024** wherein Apex Court has observed that recovery on the basis of joint declaration is not admissible as evidence unless separate article recovered from each accused. It is further submitted that co-accused Triveni Pathak, having similar role to that of the applicant, has been released on bail by this Court in Criminal Misc. Bail Application No. 14279 of 2026 vide order dated 06.05.2026. Therefore, the applicant is entitled to be released on bail on the ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 25.10.2025. In case, he is granted bail, he will not misuse the liberty of bail

and would cooperate in the trial proceedings.

5. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

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 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. Accordingly, the present application is allowed.

7. Let the applicant- **Rajaram** 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.

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

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

11. It is 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.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders 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** as well as **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

13. Application, if any, stands disposed of.

June 2, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)