



2026:AHC:124888

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19173 of 2026

Manish Kumar Ahirwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Pati Tiwari, Sushil Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Rakesh Pati Tiwari, learned counsel for the applicant, Sri Pushkar Srivastava, 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. 16 of 2025 under Sections 103(1), 75, 76 BNS, Police Station Et, District Jalaun during the pendency of the trial.
3. Learned counsel for the applicant has submitted that FIR has been lodged against unknown alleging therein that dead body of a girl was found and she was subjected to rape by several persons and later on she was murdered. It is further submitted that name of the applicant has surfaced during investigation in the statement of one tempo driver who stated that he saw the applicant with the deceased for the last time. It is further submitted that apart from the last seen evidence, there is no other evidence against the applicant and cause of death of the deceased has been found to be asphyxia due to antemortem smothering and no sign of rape has been found by the doctor, therefore, allegation of rape is false. It is further submitted that applicant is having no criminal history and he has been languishing in jail since 01.2.2025. 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 submits that apart from the last seen evidence, one country-made pistol has also been recovered from the possession of the applicant.
5. FIR has been lodged against unknown alleging therein that dead body of a

girl was found and she was subjected to rape by several persons and was murdered. During investigation, it has surfaced that applicant was last seen with the deceased and one country made pistol has also been recovered from his possession as pointed out by the learned AGA. However, cause of death of the deceased girl has been found to be asphyxia due to antemortem smothering and no gun shot injury has been found on her person. Apart from the last seen evidence, there is no other evidence against the applicant. Applicant has no criminal history to his credit, however, one case under Arms Act has been lodged with the present case.

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 **Manish Kumar Ahirwar** 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.

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 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.

June 3, 2026
Madhurima

(Jitendra Kumar Sinha,J.)