



2026:AHC:124979

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 19230 of 2026

Bilal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nandini Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Sri Ashish Kumar Pandey, learned counsel has filed vakalatnama on behalf of the first informant which is taken on record.
2. Heard Mrs. Priyansh Sharma, holding brief of Ms. Nandini Mishra, learned counsel for the applicant and Sri G.P. Singh, learned A.G.A. for the State and Sri Ashish Kumar Pandey, learned counsel for the first informant and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 337 of 2025, under Sections 103(1), 3(5), 61(2) BNS, Police Station Masuri, District Ghaziabad, during the pendency of the trial.
4. 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 submitted that co-accused Gulfam has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.3.2026 passed in Criminal Misc. Bail Application No. 7074 of 2026. It is further submitted that though the applicant is named in the FIR, however, first informant is not an eyewitness and he has only seen the applicant and two other co-accused running towards the place of occurrence. It is further submitted that there is no eyewitness account of the alleged offence. It is further submitted that the applicant is having no criminal history. The applicant has been languishing in jail since 25.11.2025. In case, he is granted bail, he will not misuse the liberty of

bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail but could not dispute the aforesaid facts, however they have submitted that during investigation name of the applicant has surfaced and co-accused Rehan, Zeshan and Ubaish were identified in the CCTV footage, however, the applicant has not been identified in the CCTV footage.

5. Co-accused Gulfam has already been granted bail by a co-ordinate Bench of this Court vide order dated 23.3.2026 passed in Criminal Misc. Bail Application No. 7074 of 2026. As per FIR, the applicant and two other co-accused are said to have opened fire on Asif, nephew of the first informant as a result of which Asif received two gun shot injuries on his person and he died. As per post-mortem report, deceased Asif has received two gun shot injuries and cause of death is shown as shock due to ante-mortem injuries. There is no eyewitness account of the alleged offence and the first informant has only stated that he saw the applicant and two other co-accused running towards the place of occurrence. No incriminating articles are said to have been recovered from the possession of the applicant. The applicant is having no criminal history.

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- **Bilal** 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.

(Jitendra Kumar Sinha,J.)

June 3, 2026
Abhishek