



2026:AHC:129378

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18740 of 2026

Mahendra Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 73

HON'BLE VIKAS BUDHWAR, J.

1. Supplementary affidavit file today taken on record.
2. Heard Sri Harish Chandra Mishra, learned counsel for the applicant and Sri Rajesh Kumar Shukla, learned AGA, who appears for the State.
3. This is an application under Section 483 of BNSS filed on behalf of applicant- Mahendra Singh for enlarging on bail in Case Crime no. 132 of 2024, under sections 302, 120B I.P.C., Police Station Lahchura, District Jhansi.
4. Learned counsel for the applicant has submitted that on 09.08.2024 a First Information Report bearing number "0132 of 2024" came to be lodged against the applicant and other two accused at 01:35 hours under Section 302/120B IPC, relatable to the commission of the offence on 09.04.2023, with an allegation that the applicant along with the other co-accused had taken away the victim and thereafter after getting him consumed spurious liquor, he was murdered. Learned counsel for the applicant submitted the First Information Report though lodged under Section 156(3) CrPC but it is belated, as the incident is dated 09.04.2023, but the FIR has been lodged on 09.08.2024. It is also submitted that the applicants have not committed the crime and only on basis of suspicion and last seen theory, the applicant has been implicated in the present case. It is also submitted that as per the police report, the deceased was a habitual drinker and used to consume unrefined alcohol and died while consuming the same. The applicant while inviting attention towards paragraph no. 24 has contended that the applicant has criminal history of four criminal cases being Case No. 74 of 2018, 78 of

2018, 101 of 2018, and while inviting attention towards supplementary affidavit it is contended that is another Criminal Case No.240 of 2005. In all these four cases, the applicant has obtained bail. If other submits that the applicant shall cooperate with the investigation. It is further contended that the co-accused being Kishori Lal has also been been accorded bail in Criminal Misc. Bail Application No. 4369 of 2021.

5. Considering the submissions of the learned counsel for the rival parties *prima facie* the applicant is entitled to be enlarged on bail as the criminal history of the applicant has been explained and co-accused has already been granted bail.

6. Let applicant- **Mahendra Singh** be released on bail in Case Crime No. Case Crime no. 132 of 2024, under sections 302, 120B I.P.C., Police Station Lahchura, District Jhansi on his furnishing a personal bond with two sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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 an abuse of liberty of bail and pass orders in accordance with law.

(iii) 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 269 of the BNS.

(iv) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 84 of BNSS is issued and the 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 209 of the BNS.

(v) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of 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.

(vi) The applicant shall be present before the concerned police station on the first Monday of each month.

7. It is further directed that the identity, status and residence proof of the sureties be verified by the authority concerned before they are accepted.

8. In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail. Any observations made in granting bail to the applicant shall not in any way affect the learned Trial Court Judge in forming his independent opinion based on the testimony of the witnesses.

9. Accordingly, the bail application is **allowed**.

June 29, 2026

N.S.Rathour

(Vikas Budhwar,J.)