



2026:AHC:124394

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12039 of 2026

Arif Khan @ Raju

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Haseen Ahmad, Navneet Kumar
Mishra, Sipte Husain
Counsel for Opposite Party(s) : A.Z. Khan, G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Sipte Husain, learned counsel for the applicant, Sri Byas Kumar Prasad, Advocate, holding brief of Sri A.Z. Khan, learned counsel for the first informant, Sri Roshan Kumar Singh, 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 during the trial in Case Crime No.05 of 2026, under Sections 103(1), 238 and 3(5) B.N.S., Police Station Dildar Nagar, District Ghazipur.
3. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that the applicant is not named in the FIR, wherein a doubt was expressed that the named accused persons have abducted the son of the first informant who was missing since 03.01.2026. Thereafter, accused Irshad was arrested and on his pointing out body was recovered on 28.01.2026; in the confessional statement of co-accused Irshad, name of the applicant surfaced. He further submitted that except the confessional statement, there is no other incriminating material against the applicant. The alleged witnesses Adil Khan as well as Nayab Khan stated that the applicant was last seen in the company of the deceased, after one month of the incident without any proper explanation for such delay. Applicant has no criminal history. The applicant is in jail since 13.01.2026. He further submitted that charge sheet has been filed by the

police, therefore, there is no requirement for custodial interrogation. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State and learned counsel for the first informant opposed the prayer for bail and submitted that as per the CDR, the location of the applicant and deceased along with other co-accused were established, however, they could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and also keeping in view the nature of offence, evidence, complicity of the accused and also 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** 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 bail application is **allowed**.

6. Let the applicant- **Arif Khan @ Raju** 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.

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

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

9. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

10. 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.

11. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal 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.**

(Arun Kumar Singh Deshwal,J.)

June 1, 2026

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