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**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 11941 of 2025**

Mayank Pratap Singh Alias Mayank Chauhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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|                               |   |                                                                     |
|-------------------------------|---|---------------------------------------------------------------------|
| Counsel for Applicant(s)      | : | Neeja Srivastava, Sanjay Singh, Shyam Singh Somvanshi, Sr. Advocate |
| Counsel for Opposite Party(s) | : | G.A.                                                                |

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**Connected with**

**Criminal Misc. Bail Application No. 15768 of 2025**

**Applicant- ABHISHEK ALIAS AJAY CHAUDHARY**

**Opposite party- STATE OF U.P.**

**Counsel for Applicant(s)- KARTIKEYA SHUKLA, MAHESH PRASAD PANDEY**

**Counsel for Opposite Party(s)- G.A**

**Court No. - 47**

**HON'BLE RAJEEV MISRA, J.**

1. Heard Mr. V.P. Srivastava, assisted by Mr. Shyam Singh Somvanshi, the learned counsel for applicant- Mayank Pratap Singh Alias Mayank Chauhan, Mr. Kartikeya Shukla along with Mr. Abhishek Pandey, the learned counsel for applicant- Abhishek alias Ajay Chaudhary and the learned A.G.A. for State.
2. Supplementary affidavit filed by the learned counsel for applicant- Abhishek alias Ajay Chaudhary in Court today is taken on record.
3. These two repeat applications for bail have been filed by the applicants- Mayank Pratap Singh Alias Mayank Chauhan and Abhishek alias Ajay

Chaudhary, seeking their enlargement on bail in Case Crime No. 116 of 2023, under sections 302, 120B IPC, Police Station- Sahpau, District- Hathras, during pendency of Sessions Trial No. 998 of 2023, (State Vs. Mayank Pratap Singh), arising out of Case Crime No. 116 of 2023, under sections 302, 120B IPC, Police Station- Sahpau, District- Hathras, now pending the Court of Additional District Judge-III, Hathras.

4. The first bail application of applicants was rejected by this Court by a detailed order dated 3.7.2024, passed in Criminal Misc. Bail Application No. 40359 of 2023 (Abhishek @ Ajay Chaudhary Vs. State of U.P.) along with Criminal Misc. Bail Application No. 39840 of 2023 (Mayank Pratap Singh @ Mayank Chauhan). The same reads as under:

**"Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40359 of 2023**

**Applicant :- Abhishek @ Ajay Chaudhary**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Prashant Shukla, Raghuvansh Misra**

**Counsel for Opposite Party :- G.A., Ravindra Sharma**

**Connected with**

**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 39840 of 2023**

**Applicant :- Mayank Pratap Singh @ Mayank Chauhan**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Rajiv Lochan Shukla, Shivam Pandey**

**Counsel for Opposite Party :- G.A., Ravindra Sharma**

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**1. Heard Mr. Dileep Gupta, the learned Senior Counsel assisted by Mr. Rajiv Lochan Shukla, the learned counsel for applicant-Mayank Pratap Singh @ Mayank Chauhan, Mr. Raghuvansh Misra along with Mr. Shivank Yadav, the learned counsel for applicant-Abhishek @ Ajay Chaudhary, the learned A.G.A. for State and Mr. Ravindra Sharma, the learned counsel representing first informant.**

**2. Perused the record.**

**3. These applications for bail have been filed by applicants-Abhishek @ Ajay Chaudhary and Mayank Pratap Singh @ Mayank Chauhan seeking their enlargement on bail in Case Crime No.0116 of 2023 under Sections 302, 120B I.P.C. and Sections 3/25/27 Arms, Act, Police Station-Sahpau, District- Hathras, during the pendency of trial.**

**4. Record shows that in respect of an incident, which is alleged to have occurred on 02.05.2023, a delayed F.I.R. dated 03.05.2023, was lodged by first informant-Anish Kumar and was registered as Case Crime No.0116 of 2023 under Sections 302 I.P.C., Police Station-Sahpau, District- Hathras. In the aforesaid F. I.R., an unknown person has been arraigned as solitary accused.**

5. The gravamen of the allegations made in the F.I.R. is to the effect that on 02.05.2023 Devi Singh, father of the first informant went to market on his bicycle. As the father of first informant did not return even till late in the evening, curiosity arose regarding his whereabouts. The F.I.R. further records that around 10.00 to 11.00 PM, the first informant gathered information that some unknown person has caused the death of his father by inflicting gun shot injury upon him near the field of Pintu in Village Kukargawan.

6. After registration of aforementioned F.I.R., Investigating Officer proceeded with statutory investigation of above-mentioned case crime number in terms of Chapter XII Cr.P.C. Investigating Officer first recovered the dead body of the deceased. Thereafter, inquest (Panchayatnama) of the body of deceased was got conducted on 03.05.2023. In the opinion of the witnesses of inquest (Panch witnesses) namely Vinod Chauhan, Ravindra Kumar Raghav, Ram Sharan and Satish Chandra, the nature of death of deceased was categorized as homicidal and the cause of death of deceased was said to be firearm injury sustained by the deceased. Subsequent to above, post-mortem of the body of deceased was conducted on the same day i.e. on 03.05.2023. In the opinion of Autopsy Surgeon, who conducted autopsy of the body of deceased, the cause of death of deceased is shock and haemorrhage as a result of firearm injury. The Autopsy Surgeon found following ante-mortem injuries on the body of deceased:

"i. Entry wound of firearm injury-4cm x 3 cm on mid of chest 8 cm away from Rt. nipple. Blackening present around the wound. One Metallic Bullet enter through wound with the back of heard mooting Lt. side long and recovered from Lt. side of back of chest 6 cm away from interior angle of scapula.

ii. Entry wound of firearm injury-2cm x 2 cm on right side of chest 8 cm below from Rt. nipple. Blackening present around the wound. One Metallic Bullet enter through body with the neck of liver. Rt. lung & recovered from Lt side of back of chest-2cm medial Rt. scapula.

iii. Entry wound of firearm injury-2cm x 2 cm on Rt. side of neck 5 cm above from Rt. clavicle. Blackening present around the wound. One Metallic Bullet enter through firearm wound with the neck of Rt. temporal to be mooting Rt. parietal to be and recovered from Rt. side occipital region.

iv. Entry wound of firearm injury-3cm x 3 cm on Rt. side of neck 3 cm above from Rt. clavicle. Blackening present around the wound. One ..... cartridge enter through with head of 2 & 3 ribs between and recovered from upper to be of Rt.lung.

vi. Entry wound of firearm injury- 1cm x 0.5 cm on Lt. side of neck. Blackening present around the wound. One Metallic Bullet enter with the body with the neck of Lt mandible & recovered from Lt. maxillary region.

vi. Entry wound of firearm injury-1cm x 0.5 cm back of Rt. side enter with body with head of clavicle vertebra & recovered.

vii. Entry wound of firearm injury-1cm x 0.5 cm onÂ back Rt. side of neck. 3 cm below from occipital. Outr with body & recovered from Lt. shoulder region.

7. After aforementioned exercise was undertaken by the Investigating Officer, he proceeded to examine the witnesses to find out the complicity of such persons, who may have committed the crime in question. Accordingly, Investigating Officer recorded the statements of following witnesses under Section 161 Cr.P.C.:-

(A). On 03.05.2023, the first informant was examined under Section 161 of Cr.P.C. Apart from repeating the contents of the F.I.R. the informant stated that Ravindra Pradhan had told him about the incident. (CD Parcha No. 1 dated 03.05.2023, page 1 of case diary)

(B) On 03.05.2023, Rajveer @ Seva Das (friend of the deceased) was examined under Section 161 of Cr.P.C. According to this witness, the deceased was with him from 09:00p.m. for about about 1 " 1½ hours and thereafter had left on his bicycle. (CD Parcha No. 1 dated 03.05.2023, page 2 of case diary)

(C) Guddu Pandit and Sonu were examined under Section 161 of Cr.P.C. on 03.05.2023. The aforesaid witnesses also mentioned that the deceased was with them till 10:45 p.m. and subsequently left on his bicycle. Furthermore, it was alleged that Guddu Pandit and Sonu had heard the sound of firing but did not see anybody, since they mistook it for the sound of fire crackers. (CD Parcha No. 1 dated 03.05.2023, page 2 of case diary)

(D) On 04.05.2023, Rajbahadur was examined under Section 161 of Cr.P.C. He told the police that Gabbar had called him to inform about the deceased lying near the field of Pintu and when his brother Veeru checked, the deceased was found dead. (CD Parcha No. 2 dated 04.05.2023, page 8 of case diary)

(E) On 04.05.2023, Veeru was examined under Section 161 of Cr.P.C. The statement of Veeru is similar to the statement of Rajbahadur. (CD Parcha No. 2 dated 04.05.2023, page 8 of case diary)

(F) On 08.05.2023, Rahul @ Kanhaiya (grandson of the deceased) was examined under Section 161 of Cr.P.C. He said that two persons were talking amongst each other. From their conversation, on 02.05.2023 at about 08:00 p.m. he overheard Guddu telling Ajay to wait as he went to check the whereabouts of the deceased. The aforesaid person, went on a motorcycle to the house of the deceased and said that he had come from Sadabad to take the field of the deceased on lease. Subsequently, at about 10:00-11:00 p.m., Ravindra broke the news about the murder of the deceased. (CD Parcha No. 4 dated 08.05.2023, page 20 of case diary)

(G) Jaishree (wife of the deceased) and Rajesh @ Chirru were examined under Section 161 of Cr.P.C. on 08.05.2023. (CD Parcha No. 4 dated 08.05.2023, page 20 of case diary)

(H) Satish (son of the deceased) was examined under Section 161 of Cr.P.C. on 12.05.2023. He stated that on 02.05.2023 the deceased had gone on his bicycle and did not return. At about 11:00 p.m. Ravindra Pradhan broke the news about his death. He was informed by Rahul and his mother that two persons on a motorcycle had come inquiring about the deceased. (CD Parcha No. 5 dated 12.05.2023, page 21 of case diary)

**(I) Ravindra Pradhan was initially examined under Section 161 of Cr.P.C. on 12.05.2023. Ravindra Pradhan told the police that Gabbar had informed him about the murder of the deceased and thereafter, he broke the news to the bereaved family. (CD Parcha No. 5 dated 12.05.2023, page 21 of case diary)**

**(J) Gabbar was examined, under Section 161 of Cr.P.C. on 12.05.2023. He told the police that while returning after irrigating his field, he had found the deceased lying dead. (CD Parcha No. 5 dated 12.05.2023, page 21 of case diary)**

**(K) Ali Asraf- This witness is Shahar Kazi and friend of Devi Singh (deceased). As per the statement of this witness, the deceased used to share his family problems with this witness. He has further disclosed that the deceased was worried as his three sons namely Satish, Anish @ Anni and Rajesh @ Raju were unemployed. Laxmi (daughter of Satish) was married to Mayank Pratap Singh in the year, 2020. Subsequently, Mayank Pratap Singh developed illicit relations with one Rubi. On account of above, a matrimonial dispute in between Mayank Pratap Singh and Laxmi erupted. Panchayat was held to settle the said dispute but in vain. This witness has also disclosed that the deceased had also disclosed to him that he is thinking of initiating criminal prosecution against the in-laws of Laxmi for committing cruelty upon her. However, the in-laws of Laxmi want to settle the dispute provided half of the land is transferred in favour of Laxmi by the deceased. The in-laws of Laxmi had dropped her at her parental home and she is in family way for the last four months. (CD Parcha No. 5 dated 12.05.2023, page 21 of case diary)**

**(L) Santosh Kumar Saini- This witness is a sweet shop owner and had disclosed his close affinity with deceased Devi Singh. This witness has stated the same facts as disclosed by Ali Asraf. As per the deposition of this witness, the deceased had left the shop of this witness at 04:00 p.m. on 02.05.2023. (CD Parcha No. 5 dated 12.05.2023, page 21 of case diary)**

**(M) S.I. Prashant Kumar- This witness is a Sub Inspector in U.P. Police. At the relevant time, he was posted as Sub Inspector (Police Outpost Incharge “Police Outpost Anwalkheda, Police Station-Barhan, District-Agra). This witness in his statement has disclosed that Yogendra Singh Chauhan (father of accused Mayank Pratap Singh) had come to the Police Outpost and had disclosed about the demand of ransom, which is Rs. 5,00,000/- by Guddu Rathore towards the amount payable for committing the crime in question (Supari). He has further disclosed that Yogendra Singh Chauhan had also disclosed to him about the whatsapp call made from Mob. No. 8171729236 at 06:35 p.m., whereby Guddu Rathore is alleged to have demanded the balance of the ransom for eliminating Devi Singh. The amount of Rs. 45,000/- paid towards advance by Mayank Pratap Singh (accused), was distributed in between Guddu Rathore and Abhishek @ Ajay Chaudhary. This witness has further disclosed that exhortation was extended to the extent that in case, the balance of ransom is not paid, he shall also be eliminated like Devi Singh. (CD Parcha No. 6 dated 15.05.2023, page 23 of case diary)**

**(N). Yogendra Singh Chauhan (father of Mayank Pratap Singh- accused). This witness, who is the father of accused Mayank Pratap Singh, in his statement, under Section 161 Cr.P.C. has reiterated the same story which has emerged in the statement of S.I. Prashant Kumar. (CD Parcha No. 6 dated 15.05.2023, page 23 of case diary)**

**(O). Anish Kumar, Satish Chandra, Vinod Chauhan, Ravindra Singh Raghav and Ramdas @ Ram Sharan are (Panch witnesses). These witnesses have proved the proceedings of inquest conducted after the body of deceased was recovered. (CD Parcha No. 10 dated 24.05.2023, page 36 of case diary)**

**(P). Laxmi W/o Mayank Pratap Singh. This witness is the wife of accused Mayank Pratap Singh. Her statement is similar to the statement of Ali Asraf. This witness has clearly disclosed about the matrimonial dispute with her husband Mayank Pratap Singh. According to this witness, Devi Singh (deceased) i.e. grandfather of this witness had extended threat to Mayank Pratap Singh (husband/accused) and Yogendra Pratap Singh (father of Mayank Pratap Singh) that in case, his grand daughter is not allowed to live in her matrimonial home peacefully then criminal prosecution shall be launched. She had also stated that her husband had repeatedly exhorted by saying that she should move out of the way of Mayank Kumar Singh or else she and her grandfather both shall be eliminated. (CD Parcha No. 11 dated 26.05.2023, page 37 of case diary)**

**(Q) Vikas. This witness is a Dhaba owner. He is also of close acquaintance with Guddu Thakur (co-accused). This witness in his statement has clearly stated that on 02.05.2023, when he was leaving home after closing the Dhaba then he saw Guddu Thakur standing beside his motorcycle at around 10:30 pm along with another person namely Abhishek near the temple, which is in close vicinity to the place of occurrence. (CD Parcha No. 19 dated 08.06.2023, page 57 of case diary).**

**(R) Rajveer @ Sewadas. Investigating Officer recorded the second statement of this witness (Bayan Mazid) on 08.06.2023. This witness in his statement had clearly stated that on 02.05.2023 at around 09:00 pm when Devi Singh was in his company, two persons came to the temple. One of them questioned Devi Singh as to whether he can identify him on which, Devi Singh rebuked by saying that you are Guddu Rathore R/o Gadi Rathore. Thereafter, Guddu Rathore introduced his companion as Abhishek @ Ajay Chaudhary. According to this witness, the aforesaid conversation can also be verified from Satendra @ Guddu Pandit and Sonu @ Prem Singh. (CD Parcha No. 19 dated 08.06.2023, page 57 of case diary)**

**(S). Satendra @ Guddu Pandit. This witness has been previously examined under Section 161 Cr.P.C. by the Investigating Officer. However, in view of the second statement of Rajveer @ Sewadas, the second statement of this witness (Bayan Mazid) was also recorded by the Investigating Officer. This witness in his second statement has reiterated the second statement of Rajveer @ Sewadas. (CD Parcha No. 19 dated 08.06.2023, page 57 of case diary)**

**(T). Sonu @ Prem Singh. The statement of this witness had earlier been recorded**

*under Section 161 Cr.P.C. by the Investigating Officer. However, in view of the subsequent statement of Rajveer @ Sewadas and Satendra @ Guddu Pandit, the second statement of this witness was also recorded. His statement is similar to that of Rajveer @ Sewadas and Satendra @ Guddu Pandit as noted above. (CD Parcha No. 19 dated 08.06.2023, page 57 of case diary)*

*(U). Monu S/o Gopal Singh. This witness is the owner of a shop constructed at Gadi Rathore Crossing. One of the shop has been taken on rent by Sher Singh (co-accused), who runs a medical store in the same. Mayank Pratap Singh and Guddu Rathore frequently visit Sher Singh at his shop. This witness in his statement in his statement as stated that in the month of October/November, he had seen all the three accused at the aforesaid shop and heard their conversation. Mayank Pratap Singh in an agitated voice expressed his anxiety regarding his extra marital relationship with Rubi which fact has now come to be known by his wife Laxmi, who in turn has disclosed the same to her grand father Devi Singh. On account of above, Devi Singh frequently visit his shop and creates a seen. At this time, Sher Singh suggested that Guddu Rathore can remove both Devi Singh and Laxmi from his way and he can speak to him for this job. As such, this witness is a witness of the conspiracy hatched to eliminate Devi Singh. (CD Parcha No. 20 dated 09.06.2023, page 61 of case diary)*

*(V) Annu Pahalwan. This witness is a salesman in an english wine shop. He has clearly stated that Sher Singh, Guddu Rathore and Mayank Pratap Singh used to frequently visit the shop for consuming liquor in the month of October and November, when they were sitting together and drinking liquor, he overheard their conversation. Mayank Pratap Singh is alleged to have exclaimed that though a sum of Rs. 45,000/- has been paid to Sher Singh for eliminating Devi Singh and Laxmi but the job has not yet been accomplished. At this point, Guddu Thakur is said to have replied by saying that the moment he gets a companion this job shall be done. (CD Parcha No. 20 dated 09.06.2023, page 61 of case diary)*

*8. On the basis of the statements of aforementioned witnesses, Investigating Officer formed a prima-facie opinion that complicity of the following persons is apparent in the crime in question i.e. Sher Singh, Guddu Thakur @ Narottam, Abhishek @ Ajay Chaudhary, Madan Gopal and Mayank Pratap Singh @ Mayank Chauhan is established in the crime in question. He, accordingly, proceeded to arrest aforementioned accused. Mayank Pratap Singh @ Mayank Chauhan along with Guddu Thakur @ Guddu Rathore were arrested on 20.05.2023. From the person of Mayank Pratap Singh @ Mayank Chauhan a sum of Rs. 150/- cash was recovered, whereas from the person of Guddu Thakur @ Guddu Rathore, a country made pistol of 0.315 bore along with two live cartridges and Rs.120/- were recovered.*

*9. Ultimately, Investigating Officer submitted the charge sheet dated 11.08.2023, whereby aforementioned accused i.e. (1) Mayank Pratap Singh @ Mayank Chauhan, (2) Sher Singh and (3) Guddu Thakur @ Narottam have been charge sheeted under Sections 302/120-B IPC.*

**10. Mr. Dilip Kumar, the learned Senior Counsel assisted by Mr. Rajiv Lochan Shukla, the learned counsel for applicant-Mayank Pratap Singh @ Mayank Chauhan in support of the bail application of accused Mayank Pratap Singh @ Mayank Chauhan has made the following submissions;-**

- (i). The applicant is not named in the first information report.**
- (ii). There is no direct or circumstantial evidence connecting the applicant to the co-accused.**
- (iii). The conduct of S.I. Prashant Kumar is highly suspicious when in spite of the presence of the applicant in front of him and coming to know of his involvement in the alleged murder still not lodging a complaint or arresting the applicant shows the entire narration to connect the applicant as false.**
- (iv). The father of the applicant has never given any such statement to S.I. Prashant Kumar and a specific denial of this fact has been made in paragraph no.32 of the affidavit accompanying the bail application.**
- (v). That the evidence regarding the extrajudicial confession is absolutely false and once there was animus between the applicant and the co-accused Guddu Rathore for non payment of the alleged contracted amount of Rs.5 lacs for which the alleged threatening phone call had been made to the father of the applicant. Post registration of the first information report making a confession to the witnesses Ravindra and Santosh Kumar Saini is apparently incredible and renders the entire prosecution version false.**
- (vi). There is no recovery of any incriminating material from the applicant.**
- (vii). From the material on record as well as statement of the wife of the applicant Smt. Laxmi it is clear that there was no police case against the applicant, therefore there was no motive for the applicant to commit the alleged crime.**
- (viii). There is no call detail record connecting the applicant to the crime in question.**
- (ix). That chain of the circumstances is not complete and the prosecution has miserably failed to connect the applicant with the crime in question.**
- (x). The applicant has no criminal antecedent (paragraph no.37 of the bail application) and is in jail since 20.5.2023.**

**11. Mr. Raghuvansh Misra along with Mr. Shivank Yadav, the learned counsel for applicant-Abhishek @ Ajay Chaudhary in support of the bail application of accused Abhishek @ Ajay Chaudhary has made the following submissions;-**

- (i). Case is based on circumstantial evidence and chain is not complete.**
- (ii). No evidence is available to establish that the deceased had been last seen in the company of the Applicant.**
- (iii). Visit at home/Aashram was inconsequential. At home, Applicant did not meet the deceased, and from the aashram, the accused left separately.**
- (iv). That no motive could be attributed to the Applicant.**
- (v). No proof of payment of bounty money is forthcoming. No CDR is available.**
- (vi). Extra Judicial confession is false. When there was enmity between Guddu and**

*Mayank Pratap Singh, no occasion arose for them to jointly make a confession to Ravindra and Vinod Chauhan.*

*(vii). AnnuPahalwan, and Monu did not give any time or date of hatching of conspiracy.*

*(viii). No proof of dispute between Laxmi and Mayank Pratap Singh exists. No police complaint/court case had been registered.*

*(ix). Conduct of SI Prashant Kumar in not acting upon the complaint of Yogendra makes his evidence doubtful. Yogendra (father of Mayank Pratap Singh) denied giving any statement.*

*(x). That even otherwise, no extra judicial confession was made by the Applicant & the witness of conspiracy only claimed to have seen the Co-accused.*

*(xi). Criminal History has been explained in the supplementary Affidavit in Para 2 (DD).*

*(xii). In Jail since 15.08.2023.*

*(xiii). No Test Identification Parade was conducted.*

*12. Per contra, the learned A.G.A. for State and Mr. Ravindra Sharma, the learned counsel representing first informant have vehemently opposed the present applications for bail. They submit that since the applicants are charge sheeted accused, therefore, they do not deserve any indulgence by this Court. Applicant-Mayank Pratap Singh @ Mayank Chauhan is guilty of causing murder of his own grandfather-in-law. As per the material on record, it cannot be conclusively concluded that applicants are innocent. The father and wife of accused Mayank Pratap Singh @ Mayank Chauhan have given statements against their own son/husband i.e. Mayank Pratap Singh @ Mayank Chauhan. This itself is such an incriminating circumstance, which disentitles accused Mayank Pratap Singh @ Mayank Chauhan to be admitted to bail. The motive behind the occurrence is not shrouded in obscurity but is clearly evident from the record. It has come in evidence that the grand daughter of deceased namely Laxmi was married to accused Mayank Pratap Singh. Subsequently, the accused Mayank Pratap Singh developed extra marital relationship with one Rubi. This fact came in the knowledge of the wife Laxmi. It is on account of above that marital dispute in between Mayank Pratap Singh and his wife Laxmi erupted. In view of above, the deceased namely Devi Singh repeatedly commanded the accused Mayank Pratap Singh to properly maintain his wife and further allow her to live peacefully at her marital home, failing which, criminal prosecution shall be launched against him. It is on account of above, that the crime in question has been committed. Since the motive behind the occurrence is fully established, therefore, no motiveless malignancy can be attached to the accused. The attending circumstances as have emerged during course of investigation clearly point at the guilt of the accused. It is thus urged that considering the nature and gravity of offence and particularly the confessional statement of co-accused Sher Singh, the applicants are not liable to be enlarged on bail. As such, the present applications for bail are liable to be rejected.*

**13. Having heard, Mr. Dileep Gupta, the learned Senior Counsel assisted by Mr. Rajiv Lochan Shukla, the learned counsel for applicant-Mayank Pratap Singh @ Mayank Chauhan, Mr. Raghuvarsh Misra along with Mr. Shivank Yadav, the learned counsel for applicant-Abhishek @ Ajay Chaudhary, the learned A.G.A. for State and Mr. Ravindra Sharma, the learned counsel representing first informant, upon perusal of record, evidence, nature and gravity of offence, accusations made, complicity of accused and coupled with the fact that the following facts, which stand crystallized i.e.:-**

**(a) Applicants are not named in the FIR but charge sheeted accused.**

**(b) Present case is a case of circumstantial evidence, therefore, there is no eye witness of the occurrence in question.**

**(c) The complicity of an accused in a case based on circumstantial evidence can be inferred only in accordance with the parameters laid down by the Apex Court in the case of Sharad Birdhichand Sarda Vs. State of Maharashtra AIR 1984 SC 1622 (Paragraph 152).**

**(d) No conviction can be based solely on the basis of last seen. In view of the law laid down by the Apex Court in Jaswant Gir Vs. State of Punjab (2005) 12 SCC 438 and Jabir Vs. State of Uttarakhand, 2023 SCC OnLine SC 32.**

**(e) In a case based on circumstantial evidence, motive plays an important role and therefore, there must be something on record to establish motive against the accused to commit the crime in question.**

**(f) In the present case, when the aforesaid tests are applied, two distinct circumstances have emerged;- (a) the motive behind the occurrence has clearly emerged, which is to the effect that there was matrimonial dispute between Mayank Pratap Singh @ Mayank Chauhan and his wife Laxmi Devi, inasmuch as, applicant Mayank Pratap Singh @ Mayank Chauhan had developed extra marital relations with Rubi, which fact came in the knowledge of his wife Laxmi Devi. The grandfather-in-law of accused Mayank Pratap Singh @ Mayank Chauhan had repeatedly exhorted to maintain his grand daughter and further allow her to live peacefully at her marital home, failing which, criminal prosecution shall be launched.**

**(g) The father of accused Mayank Pratap Singh @ Mayank Chauhan and Laxmi Devi (wife of accused Mayank Pratap Singh @ Mayank Chauhan) have clearly given their statements under Section 161 Cr.P.C. against accused Mayank Pratap Singh @ Mayank Chauhan.**

**(h) Even though, it has been vehemently urged by the learned Senior Counsel/the learned counsel for applicants that applicants are liable to be enlarged on bail but considering the facts and circumstances of the case as noted herein above and also the nature and gravity of offence, this Court does not find any good ground to enlarge the applicants on bail. Consequently, the bail applications fail and are liable to be rejected.**

**14. As a result, the present applications for bail fail and are liable to be rejected.**

**15. They are, accordingly, rejected. "**

5. Accordingly, applicants have now approached this Court by filing aforementioned repeat applications for bail.

6. Mr. V.P. Srivastava, the learned counsel for applicant-Mayank Pratap Singh @ Mayank Chauhan submits that after completion of statutory investigation of concerned case crime number in terms of Chapter-XII Cr.P.C., Investigating Officer submitted the charge-sheet/police report in terms of section 173(2) Cr.P.C. on 11.8.2023. Thereafter, cognizance was taken upon same by concerned Magistrate, in exercise of jurisdiction under section 190(1)(b) Cr.P.C. Since offence complained of is triable exclusively by Court of Sessions. Resultantly the Jurisdictional Magistrate committed the case to the Court of Sessions. Consequently, Sessions Trial No. 998 of 2023, (State Vs. Mayank Pratap Singh), arising out of Case Crime No. 116 of 2023, under sections 302, 120B IPC, Police Station- Sahpau, District-Hathras, came to be registered.

7. The concerned Sessions Judge, framed charges against charge sheeted accused i.e. applicants However, charge sheeted accused denied the charges so framed and demanded trial. Prosecution in discharge of its burden to bring home the charges so framed has, up to this stage, adduced 11 prosecution witnesses of fact. The crux of their depositions is mentioned herein below:-

(i). P.W.1- Anees Kumar, in his deposition before Court below, has not taken the names of applicants.

(ii). P.W.2.-Sateesh has also not mentioned the names of applicants but he has stated that applicant Mayank Pratap Singh Alias Mayank Chauhan took the money for getting the crime committed. However, he is not a witness of the financial transaction.

(iii). P.W.3- Vivek Ujjwal- is a formal witness.

(iv). P.W.4.- Rahul Kumar is the grandson of accused but has not named any person.

(v). P.W.5- Monu @ Mohan Singh was declared hostile.

(vi). P.W.6.- Sonu @ Prem Singh has also been declared hostile.

(vii). P.W.7.- Prashant Singh has not alleged the complicity of applicants in the crime in question.

(viii). P.W.8- Dr. Vijay Anand- Autopsy surgeon,- his testimony is not relevant qua the complicity of applicants in the crime in question.

(ix). P.W.9.- Anu Pahalwan has also turned hostile.

(x). P.W.10- Yogendra Singh has also been declared hostile.

(xi). P.W.11- Ravindra Singh in his deposition before Court below has stated that he did not witness the crime in question.

(xii). Two prosecution witnesses namely Asraf Ali and Rajveer @ Sewadar Pandey have been discharged by Court below on the request of the prosecution itself.

8. Mr. V.P. Srivastava, the learned counsel for applicant-Mayank Pratap Singh @ Mayank Chauhan submits that present case is a case of circumstantial evidence, therefore complicity of applicants in the crime in question can be decided only in accordance with parameters laid down by Apex Court in the Case of **Sharad Birdhichand Sarda, Vs. State of Maharashtra, AIR 1984 Supreme Court 1622,( paragraph-152)**. He, therefore, submits that when aforesaid parameters are applied to the evidence, which has emerged on record, neither there is a complete chain of circumstance nor an inference of guilt can be drawn against the accused-applicants nor it can be concluded that except for the guilt of accused i.e. applicants, no other hypothesis is possible. As such, applicants are liable to be enlarged on bail during the pendency of trial.

9. Even otherwise, applicant-Mayank Pratap Singh @ Mayank Chauhan is a man of clean antecedents having no criminal history to his credit except the present one. Applicant is in jail since 15.08.2023. As such, he has undergone, 2 years of incarceration. The first bail application of applicant was rejected primarily on the ground that prima-facie the complicity of applicant is apparent in the crime in question. It was in view of above that when the matter was heard on the last occasion, the Court has observed that though prima-facie the complicity of applicant has not emerged in the crime in question as per depositions of PW-1 to PW-9, however, the facts that have emerged in the statements of Ravindra Singh and Yogendra Singh remain intact. It was in view of aforesaid circumstance that Court passed the order dated 27.08.2025. For ready reference, the order dated 27.08.2025 is

reproduced herein below;-

*"1. Heard Mr. V. P. Srivastava, the learned Senior Counsel, assisted by Mr. Shyam Singh Somvanshi, the learned counsel for applicant - Mayank Pratap Singh Alias Mayank Chauhan, Mr. Kartikey Shukla, the learned counsel for applicant- ABHISHEK @ AJAY CHAUDHARY in connected application for bail and the learned A.G.A. for State.*

*2. After hearing counsel for the parties at length, this Court finds that two of the witnesses, namely Ravindra Pradhan, in his statement under Section 161 Cr.P.C. recorded by the Investigating Officer has clearly disclosed that an extra-judicial confession was made to him regarding the crime in question. Similarly, Yogendra Singh (father of applicant) in his statement under Section 161 Cr.P.C. has supported the FIR. Upto this stage as per deposition of the witnesses, who have deposed before court below, aforesaid circumstance that emerged against applicant during course of investigation does not stand dislodged.*

*3. At this juncture, the learned senior counsel for applicant submits that the hearing of the present application be adjourned with a direction to court below to have statement of aforesaid two witnesses recorded peremptorily and on priority basis.*

*4. Considering the fair request made by the learned senior counsel for applicant, it is hereby provided that court below shall make all endeavour to get statement of aforesaid two witnesses recorded within a month from today.*

*5. Put up this application, as fresh, on 06.10.2025 at 02.00 PM for further hearing."*

10. However, aforementioned witnesses, in their depositions before Court below, have not supported the prosecution story. It is then contended by the learned Senior counsel that applicant-Mayank Pratap Singh @Mayank Chauhan is in jail since 20.05.2023. As such, he has undergone more than 2 years and 4 months of incarceration. Since the charge sheet/police report has already been submitted in terms of Section 173(2) Cr.P.C. against applicant-Mayank Pratap Singh @ Mayank Chauhan, therefore, the entire evidence sought to be relied upon by the prosecution against applicant stands crystallized. Moreover, 11 prosecution witnesses have deposed before Court below and nothing has emerged against applicants in their depositions. On the above premise, the learned Senior counsel contends that no good or justifiable grounds now exists to prolong the custodial arrest of applicants during the pendency of trial. In support of this submission, he has referred to the judgment of Supreme Court in **Sumit Subhashchandra Gangwal Vs.**

**State of Maharashtra, 2023 LiveLaw (SC) 373.** It is thus urged by the learned Senior counsel that in view of aforementioned facts and circumstances, applicant-Mayank Pratap Singh @ Mayank Chauhan is liable to be enlarged on bail during the pendency of present appeal. In case, the applicant is enlarged on bail then in that eventuality, he shall not misuse the liberty of bail and shall co-operate in the conclusion of trial.

11. Mr. Kartikey Shukla along with Mr. Mahesh Prasad, the learned counsel for applicant-Abhishk @ Ajay Chaudhary has adopted the argumetns raised by the learned Senior counsel in support of the bail application of applicant-Mayank Pratap Singh @ Mayank Chauhan. However, applicant-Abhishk @ Ajay Chaudhary has criminal history to his credit. Same has been explained in paragraph 21 of the supplementary affidavit filed by applicant-Abhishek @ Ajay Chaudhary. Referring to the judgment of Supreme Court in **Brijmani Devi Vs. Pappu Kumar and Anohter, (2022) 4 SCC 497**, Mr. Kartikey Shukla, the learned counsel for applicant-Abhishek @ Ajay Chaudhary contends that an accused cannot be denied bail simply on the ground of criminal history. Applicant-Abhishek @ Ajay Chaudhary is in jail since 15.08.2023. As such, he has undergone more than 2 years and 2 months of incarceration. On the above premise, it is thus contended by the learned counsel for applicant-Abhishek @ Ajay Chaudhary that applicant is liable to be enlarged on bail. In case, the applicant is enlarged on bail, then in that eventuality, he shall not misuse the liberty of bail and shall co-operate in the conclusion of trial.

12. Per contra, the learned A.G.A. has opposed these repeat applications for bail. He submits that since applicants are named as well as charge-sheeted accused and facing trial, therefore, they do not deserve any indulgence by this Court. However, he could not dislodge the factual and legal submissions urged by the learned Senior counsel/learned counsel for applicants.

13. Having heard the learned Senior counsel/learned counsel for applicants, the learned A.G.A. for State-opposite party-1, upon perusal of record, evidence, nature and gravity of offence, complicity of accused, accusations made, this Court finds that the submissions urged by the learned Senior counsel/learned counsel for applicants in support of these repeat applications for bail as noted herein above are clearly borne out from the record. Furthermore, the same could not be dislodged by the learned A.G.A. with reference to the record at this stage. Therefore, in view of

above and irrespective of the objections raised by the learned A.G.A. in opposition to these applications for bail but without making any comments on the merits of the case, this Court finds that applicants have made out a case for grant of bail.

14. Accordingly, the present repeat applications for bail are **allowed**.

15. Let the applicants- **Mayank Pratap Singh Alias Mayank Chauhan** and **Abhishek alias Ajay Chaudhary**, be released on bail in the aforesaid case crime number on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) THE APPLICANTS SHALL FILE AN UNDERTAKING TO THE EFFECT THAT HE/SHE SHALL NOT SEEK ANY ADJOURNMENT ON THE DATE 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 ABUSE OF LIBERTY OF BAIL AND PASS ORDERS IN ACCORDANCE WITH LAW.

(ii) THE APPLICANTS SHALL REMAIN PRESENT BEFORE THE TRIAL COURT ON EACH DATE FIXED, EITHER PERSONALLY OR THROUGH HIS/HER COUNSEL. IN CASE OF HIS/HER ABSENCE, WITHOUT SUFFICIENT CAUSE, THE TRIAL COURT MAY PROCEED AGAINST HIM/HER UNDER SECTION 229-A IPC.

(iii) IN CASE, THE APPLICANTS MISUSES THE LIBERTY OF BAIL DURING TRIAL AND IN ORDER TO SECURE HIS/HER PRESENCE PROCLAMATION UNDER SECTION 82 CR.P.C., MAY BE ISSUED AND IF APPLICANTs FAIL TO APPEAR BEFORE THE COURT ON THE DATE FIXED IN SUCH PROCLAMATION, THEN, THE TRIAL COURT SHALL INITIATE PROCEEDINGS AGAINST HIM/HER, IN ACCORDANCE WITH LAW, UNDER SECTION 174-A IPC.

(iv) THE APPLICANTS SHALL REMAIN PRESENT, IN PERSON, BEFORE THE TRIAL COURT ON DATES FIXED FOR (1) OPENING OF THE CASE, (2) FRAMING OF CHARGE AND (3) RECORDING OF STATEMENT UNDER SECTION 313 CR.P.C. IF IN THE OPINION OF THE TRIAL COURT ABSENCE OF THE APPLICANTS ARE 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 THE HIM/HER IN ACCORDANCE WITH LAW.

**(v) THE TRIAL COURT MAY MAKE ALL POSSIBLE EFFORTS/ENDEAVOUR AND TRY TO CONCLUDE THE TRIAL WITHIN A PERIOD OF ONE YEAR AFTER THE RELEASE OF THE APPLICANTS.**

16. However, it is made clear that any wilful violation of above conditions by the applicants, shall have serious repercussion on their bail so granted by this Court and the trial Court is at liberty to cancel the bail, after recording the reasons for doing so, in the given case of any of the condition mentioned above.

**October 10, 2025**  
Arshad

**(Rajeev Misra,J.)**