



2026:AHJ:87476

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 7381 of 2025

Adil

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ayush Mishra, Prabha Shanker Mishra,
Santosh Kumar Singh
Counsel for Opposite Party(s) : G.A., Mohd Umar Farooq

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Prabha Shanker Mishra, learned counsel for the applicant, Sri Anurag Pandey, 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. 393 of 2024, under Sections-103(1) & 238 B.N.S., Police Station- Chandpur, District- Bijnor, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that the applicant has been falsely implicated, though, there is no incriminating material against him. As per prosecution story, the applicant and co-accused Nazim came to the house of the first informant on 04.08.2024 at 8 p.m. and taken away the brother of the first informant. The brother of the first informant did not return next day and his body was found. The FIR witnesses, Rashid and Farman also stated that they had seen the deceased and present applicant going on apache motorcycle and the co-accused Nazim was standing at some distance. However, another eye witness Rashid has stated that he had seen the applicant, co-accused Nazim and deceased together going through a motorcycle. During investigation, police also recorded statement of one Monu, who was working at Chaudhary Automobile. He stated that he has lastly seen the deceased along with Adil on a motorcycle at 10.57 p.m. During investigation, police also obtained CCTV footage near the place where the dead body was found and CCTV footage shows that at 10.57 p.m. on 04.08.2024 Adil and deceased came at that place and subsequently, at 11.41 p.m. Adil returned back alone on Apache

motorcycle. Thereafter, Adil was arrested and on his pointing out, one blood stained knife and motorcycle, which was shown in the CCTV, were recovered. The applicant is a law abiding citizen and he is languishing in jail since 01.09.2024. 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 counsel for the first informant as well as learned A.G.A. have vehemently opposed the prayer for bail and submitted that Farman and Rashid had seen the deceased in the company of the applicant at 8.30 p.m. on 04.08.2024, subsequently, eye witness Monu had also seen the present applicant and deceased on the motorcycle at 10.15 p.m. on 04.08.2024 and further CCTV shows that at 11.41 p.m. on 04.08.2024, the applicant was coming back on motorcycle alone. Therefore, there is last scene evidence showing the deceased in the company of the applicant. It is further submitted that on the pointing out of the applicant not only blood stained knife but also apache motorcycle, which was used by the applicant to take the deceased from his house to the place where deceased was found, was also recovered. Therefore, the applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that there is eye witnesses and the deceased was seen in the company of the applicant, the applicant has lastly taken the deceased at the place where dead body was found and returned back alone, the motorcycle shown in the CCTV footage along with blood stained knife have also been recovered, I am of the opinion that the applicant is not entitled to be enlarged on bail. Accordingly, the present application is **Rejected**.

(Arun Kumar Singh Deshwal,J.)

April 20, 2026

gp