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HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 14010 of 2026

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.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Nishant Dwivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Nishant Dwivedi, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.54 of 2025 Under Sections 103(1), 238, 3(5) B.N.S., Police Station- Neoria, District- Pilibhit.
3. Contention of learned counsel for the applicant is that as per the prosecution story, the deceased was missing since 10.03.2025. Thereafter an FIR was lodged on 12.03.2025 regarding missing of the deceased. Subsequently, the body of the deceased was recovered on 14.03.2025 underneath the bridge and an application was filed by mother of the deceased on 14.03.2025 expressing doubt over the applicant and other accused persons. Thereafter the applicant was arrested and on his pointing out one banka was recovered. Police has also recorded the statement of one Dulli Ram on 15.03.2026 wherein he has stated that he had lastly seen the deceased in the company of the applicant and co-accused persons on 10.03.2025 at 11.00 P.M. Thereafter statement of uncle of the deceased was also recorded on 08.05.2025 mentioning therein that he had also seen the deceased on 10.03.2025 at 11.00 P.M. in the company of the applicant and other accused persons.
4. Learned counsel for the for the applicant has submitted that there is no eye witness of the incident and injury of incised wound found on the body

of the deceased cannot be caused with banka and no blood stained was found on the banka, therefore, he has been falsely implicated. It is further submitted that other co-accused persons Pramod, Ramkishor, Subham @ Shivam and Vasudev Bharti @ Guddu @ Baba have already been released on bail by a co-ordinate Bench of this Court in Criminal Misc. Bail Application No.4194 of 2026, 24228 of 2025, 26753 of 2026 and 9917 of 2016. Therefore, the applicant is entitled to be released on bail. Charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 15.03.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. On the other hand, learned A.G.A. for the State vehemently opposed the prayer for bail and submitted that there is eye witness, who had lastly seen the deceased in the company of the applicant and accused persons and on pointing out of the applicant, one *banka* was also recovered which was used in committing the murder of the deceased. It is further submitted that role of the applicant is distinguished in the bail orders of co-accused persons, therefore, he is not entitled to be released on bail.

6. Considering the submissions of learned counsel for the parties and taking into account the fact that there is eye witness of last seen of the applicant with the deceased, coupled with the fact that a *banka* was recovered on the pointing out of the applicant and case of the applicant is distinguished from other co-accused persons, therefore, this Court is not inclined to grant bail to the applicant.

7. Accordingly, the present bail application is **rejected**.

(Arun Kumar Singh Deshwal,J.)

May 5, 2026

A.Kr.