



2026:0001:114170

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15848 of 2026

Shahanwaz Alam @ Raja

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Kumar Ashutosh Srivastava, Ritesh Kumar Srivastava
Counsel for Opposite Party(s)	: G.A., Girjesh Kumar Srivastava

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ritesh Kumar Srivastava, learned counsel for the applicant, Sri Girjesh Kumar Srivastava, learned counsel for the first informant and Sri Bhupendra Pal 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 in Case Crime No.101 of 2025, under Sections-103(1), 352 BNS, Police Station-Jajmau, District-Kanpur Nagar, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that as per the prosecution story, initially the FIR was lodged against four accused persons in which applicant was not named wherein the allegation has been made that the deceased, Saleem Ahmad was the truck driver, he went to the house of the named accused to take arrears of his salary amounting to Rs.60,000/-. Thereafter, the accused had beaten him which resulted into the death of the deceased. Subsequently, three eyewitnesses, Kamil, Neeraj and Akram made specific allegation that in their presence, the present applicant dragged out the deceased from black Scorpio Car and started beating him mercilessly with *danda* till the deceased became unconscious.

4. Learned counsel for the applicant has submitted that applicant has been falsely implicated as neither in the FIR nor in the statement of the person who was accompanying the deceased, were any allegation made against the applicant. It is further submitted that case would not fall u/s 103 BNS and same would fall u/s 105 BNS. It is further submitted that the applicant has no criminal history. It is

further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 31.05.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Learned A.G.A. has vehemently opposed the prayer for bail and submitted that three eyewitnesses duly supported the prosecution story and stated that it is the present applicant who came on the spot with along with black Scorpio car and after dragging the deceased, beaten him mercilessly with *danda*, and this incident was also recorded in the CCTV camera. It is also submitted that ground of applicant that offence alleged would not fall under Section 103 BNS but under Section 105 BNS can be considered at the stage of trial not at the stage of bail. Therefore, applicant is not entitled to be released on bail.

6. Per contra, learned counsel for the first informant has submitted that he has no objection if the applicant is released on bail.

7. Considering the aforesaid submission, this court is of the view that consent of learned counsel for the first informant for releasing the applicant on bail is not a material at all, it is the material available in case diary as well as the stand of the State counsel which is material for hearing the bail application. From the statement of Kamil, Neeraj and Anwar, it is clear that deceased was mercilessly beaten by the present applicant and incident was also recorded in CCTV camera, therefore, this court is not inclined to release the applicant on bail.

8. Therefore, the bail application of the applicant is **rejected**.

May 18, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)