



2026:AHC:188664

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31648 of 2026

Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anshul Sengar, Atul Kumar Shahi
Counsel for Opposite Party(s) : G.A.

Court No. - 68
(Sr. No.8 out of 172 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Atul Kumar Shahi, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.345 of 2025, under Sections 331(4), 305, 103(1), 317(2) BNS, Police Station Link Road, District Ghaziabad, during the pendency of trial.
4. As per prosecution story, the brother of the informant, Raja, and his friend, Subham, are stated to have been found in an injured state in the night of 10/11.11.2025, and both are stated to have subsequently succumbed to their injuries. No statement of either of the deceased persons was recorded.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant has nothing to do with the said offence and is not named in the FIR. The FIR itself was lodged after a delay of about three days and there is no explanation of the said delay caused. The only allegation against the applicant is that the informant apprehended that the applicant might have committed the said offence, as he had an altercation with the deceased Raja about three months prior to the incident. The said allegation is vague. Even otherwise, no direct overt act has been assigned to the applicant.

6. Learned counsel for the applicant has further argued that subsequently, a false recovery of a cloth, along with a grinder and the scooty belonging to the landlord of the house, has been foisted upon the applicant. There is no mention in the FIR that the said scooty had been stolen. As such, the said scooty has also been falsely foisted upon the applicant. Therefore, this is a clear-cut case of false implication. The applicant has no criminal history and is in jail since 16.11.2025. He undertakes to cooperate with the trial and not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that there are only vague allegations against the applicant, based merely on apprehension, that there is no ocular account of the incident, coupled with the fact that there is no mention of the said scooty in the FIR, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

9. Let the applicant- **Rahul**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

10. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

September 9, 2026

Vikas Verma