2026:AHC:191952

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32666 of 2026

Vishal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anil Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anil Kumar, learned counsel for the applicant and Sri Ajay Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 229 of 2025, under Sections 103(1) BNS, Police Station Kurara, District Hamirpur during pendency of the trial.

3. Learned counsel for the applicant submits, however, as per allegation, applicant by making assault committed the murder of his grand mother but entire allegations leveled against applicant are totally false.

4. He further submits, even from the FIR and statements of witnesses it reflect, at the time of incident applicant was under deep intoxication, therefore, incident occurred under intoxication and therefore, it cannot be said that applicant was having intention to commit the murder of his grand mother.

5. He further submits, incident occurred inside the house of applicant and his parents and siblings witnessed the incident but all the four witnesses during trial did not support the prosecution case and have been declared hostile and their statements recorded before the trial court have been annexed along with instant bail application.

6. He further submits, considering the statements of alleged eye witnesses recorded by the trial court it reflects, chances of conviction of the applicant is quite remote.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 06.10.2025 i.e. for almost a year.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, as per allegation, applicant by making assault committed the murder of his grand mother who was about 70 years of age and even post mortem report suggests deceased sustained number of injuries but even according to the prosecution at the time of incident applicant was under intoxication.

11. Further, as per prosecution, incident occurred inside the house of applicant and incident has been witnessed by parents and siblings of the applicant but these witnesses during trial did not support the prosecution case and have been declared hostile. Considering this fact, this Court finds merit in the argument advanced by learned counsel for applicant that chances of conviction of the applicant in the present matter is quite remote.

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 06.10.2025 i.e. for almost a year.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant - **Vishal** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

September 14, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad