



2026:AHC:55778

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 38623 of 2025

Rampal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amit Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A., Pradeep Kumar Srinette

Court No. - 66
(Sr. No.105 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Amit Kumar Srivastava, learned counsel for the applicant, Sri Pradeep Kumar Srinette, learned counsel for the informant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.241 of 2025, under Sections 103(1), 238, 3(5) of B.N.S., Police Station Bithri Chainpur, District Bareilly, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have committed the murder of the mother of the informant in the night of 16.05.2025 at about 8:00 p.m.
5. Learned counsel for the applicant has submitted that the FIR is delayed by about 18 hours and there is no explanation for the said delay caused. There is no eyewitness account of the incident. The applicant has simply been made an accused on the basis of suspicion only. The allegations against him are false. Subsequently, the CCTV footage of the area was obtained, and the applicant is not visible in any of the footage except near his house, where he is seen entering his house on the fateful day at about 8:30 p.m. and leaving at about 8:35 p.m. in the police uniform, which indicates that the applicant has not committed the said offence. The criminal history of one case assigned to the applicant stands explained. He is in jail since 04.06.2025 and undertakes

to cooperate with the trial and not misuse the liberty of bail.

6. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant was seen at his house and leaving his house soon after the time of the incident, i.e., 8:00 p.m., and the CDR also indicates that he was present near the place of occurrence at the time of the incident. A banka has been recovered at the pointing out of the applicant; as such, he is not entitled to bail.

7. In rebuttal, learned counsel for the applicant has submitted that the CDR does not indicate the exact presence of any accused person, as the tower location covers several kilometers.

8. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another, (2020) 11 SCC 648*** has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

9. 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 is no eyewitness account of the incident and the FIR is delayed by about 18 hours, 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**.

10. Let the applicant- **Rampal**, be released on bail 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.

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

(Krishan Pahal,J.)

March 18, 2026

(Ravi Kant)