



2026:AHC:208717

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 40836 of 2025

Bhutoo Alias Jaypal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Atul Kumar Singh, Devendra Kumar
Tiwari, Pranshu Dwivedi, Ram Prakash
Dwivedi, Vijay Kumar Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 68

(Sl. No. 122 out of 190)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Tej Om Prakash Gupta, learned Advocate holding brief for Sri Atul Kumar Singh, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 251 of 2003, under Sections 364, 307, 511 IPC and 2/3 of the Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, Police Station Dauki, District Agra, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant was granted bail in the instant case and subsequently, he could not attend the Court, as such, N.B.W. was issued against him. He surrendered before the Court concerned on 29.8.2025 and is in jail since then, as such, period of incarceration is about 13 months. The fundamental rights of the applicant as enshrined in Article 21 of the Constitution of India stand violated. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. 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.

6. This Court had called for the status of trial. As per the status report dated 10.7.2026, no witness has been examined. Even other co-accused persons are absconding, as such, there is no likelihood of conclusion of trial in the near future.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fundamental rights of the applicant and the period of incarceration 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**.

8. Let the applicant- **Bhutoo Alias Jaypal**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

October 6, 2026

Shalini