2026:AHC-LKO:39814

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. BAIL APPLICATION No. - 2314 of 2026

Wakeel

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko

.....Opposite Party(s)

Counsel for Applicant(s) : Pravin Kumar Singh
Counsel for Opposite Party(s) : G.A., B/N0492, Niharika Gupta, Rajan Singh

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Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the material available on record.

2. This is first bail application filed on behalf of the applicant who is involved in Crime No. 360 of 2025, Under Sections 105 B.N.S. and Sections 3/5, 5/27 of the Arms Act, police station Kaiserganj, district Bahraich.

3. Learned counsel for the applicant submits that the F.I.R. lodged against unknown persons stating therein that he got information on mobile from one Chuuni that some unknown person has fired upon his wife. Learned counsel states that the applicant is innocent and has falsely been implicated in the present case.

4. Learned counsel for the applicant submits that during investigation, the eye-witness Aasiya Bano in her statement under Section 183 BNSS deposed that the applicant came with a tamancha(pistol) and he showed it to the deceased and fired at the ground but the shot missed then the deceased said your pistol is not good and picked up the cartridge from the misfired and looking then the applicant was standing nearby and fiddling with his pistol and the bullet went off which hit the deceased in the tample. Learned counsel submits that the witness Asiya Bano has specifically made allegation against the applicant and stated that one

Chunni was also present at the place of occurrence and the applicant is known to one Chunni but the F.I.R. was lodged against unknown person which creates doubt on the prosecution story.

5. Learned counsel submits that the applicant is in jail since 27.11.2025 and he has no criminal history. Learned counsel also submits that in case the applicant is released on bail he shall not misuse the liberty granted by this Court.

6. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

7. Having heard learned counsel for the parties and having perused the material available on record and considering the fact that the applicant is in jail since 27.112025 having no previous criminal history, the applicant is known to the witness but he is not named in the F.I.R., and without entering into the merits of the case, this Court is of the view that it is a fit case for enlarging the applicant on bail.

7. Accordingly, the bail application is ***allowed.***

8. Let the applicant Wakeel involved in Crime No. 360 of 2025, Under Sections 105 B.N.S. and Sections 3/5, 5/27 of the Arms Act, police station Kaiserganj, district Bahraich be released on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are

present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him in accordance with law.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 B.N.S.S. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of B.N.S.

9. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Zafeer Ahmad,J.)

June 1, 2026
kanhaiya

Digitally signed by :-
KANHAIYA KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench