HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20206 of 2026

Jabar Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Arjit Srivastava, Usha Srivastava, Vinod Kumar Srivastava

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by State and supplementary affidavit by learned counsel for applicant are taken on record.

2. Heard Sri Vinod Kumar Srivastava, learned counsel for applicant and Sri Ashutosh Singh, learned A.G.A. for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 350 of 2025, under Sections 103 (1), 3(5) B.N.S. and Section 3/25 Arms Act, Police Station Kaimganj, District Farrukhabad during pendency of the trial.

4. Learned counsel for applicant submits it is a case of circumstantial evidence and nobody was named in the FIR, but during investigation applicant has been made accused through the statement of co-accused recorded by the I.O.

5. He next submits, however, as per prosecution, when applicant was arrested, then on his pointing out one country-made pistol was also recovered, which was allegedly used in the instant crime, but the recovery of the alleged pistol was made after taking applicant on remand and alleged recovery is false and planted one.

6. He further argued, however, apart from the present case applicant is having criminal history of 58 other cases, but his entire criminal history has been explained and the majority of the cases were of theft and other minor offenses.

7. He further submits, in the present matter, applicant is in jail since March 2026 i.e. for last about six months.

8. He further submits, therefore, considering the facts of the case, instant bail application may be allowed.

9. Per contra, learned AGA opposed the prayer for bail and submits, however, it is a case of circumstantial evidence and name of applicant was surfaced through the statement of co-accused, but apart from the confessional statement of the applicant and statement of the co-accused recorded by the I.O. at the pointing out of the applicant, one country-made pistol was also recovered, which was used in the alleged crime.

10. He further submits, during investigation, IO also recovered empty cartridge from the spot and from the FSL report, which has been filed along with the counter-affidavit, it reflects the pistol recovered on the pointing out of applicant has has been matched with the alleged cartridge recovered from the spot and, therefore, it cannot be said that applicant is innocent.

11. He further submits, even apart from the present case, applicant is having a criminal history of 58 other cases, including one case under Section 302 IPC and two cases under Section 307 IPC.

12. He further submits, even applicant is in jail only since March 2026.

13. He further submits, therefore, considering the facts of the case, the instant bail application may be dismissed.

14. I have heard both the parties and perused the record of the case.

15. However, it is a case of circumstantial evidence and no body was named in the FIR and name of applicant was surfaced during investigation through the extra judicial confession made by two accused before two witnesses, namely, Rajeev and Surendra, but from the case diary which was produced by learned AGA, during the course of argument, it reflects that empty cartridge which was recovered from the spot has been matched with the country made pistol which was recovered on the pointing out of applicant.

16. Further, however, the alleged country made pistol was recovered after taking the applicant on police remand but merely on this basis, prima facie, at this stage, it cannot be said that alleged recovery is false and planted one.

17. Considering the fact that the recovered empty cartridge has been matched from the pistol, which was recovered on the pointing out of the applicant, prima facie, it cannot be said that applicant is innocent.

18. Further, even applicant is having criminal history of 58 other cases including one case of murder and two cases of 307 IPC. However, in case of murder it reflects that applicant has been acquitted.

19. Considering the criminal antecedents of applicant, he appears to be a hardened criminal.

20. Further, even applicant is in jail in the present matter only since March, 2026.

21. Therefore, considering the facts and circumstances discussed above, in view of this Court applicant is not entitled to be released on bail.

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

(Sameer Jain,J.)

October 23, 2026
Kumar Manish

Digitally signed by :-
MANISH TRIPATHI
High Court of Judicature at Allahabad