2026:AHC:207933

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25213 of 2026

Kanhaiya Thakur @ Devesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Srivastav, Rajesh Kumar Srivastava, Sudhakar Shukla
Counsel for Opposite Party(s)	:	Ajay Dubey, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by applicant is taken on record.

2. Heard Sri Rajesh Kumar Srivastava, learned counsel for the applicant; Sri S. M. Tripathi Advocate holding brief of Sri Ajay Dubey, learned counsel for the informant and Dr. S. B. Maurya, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 16 of 2026, under Sections 190, 191(2), 191(3), 103(1), 3(5), 61(2) Ka BNS, Police Station Trans Yamuna, District Agra, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that it is a case of circumstantial evidence and nobody was named in the FIR but during investigation applicant has been made accused in the present matter alongwith several others including co-accused Akash Prajapati.

5. He further submitted that however as per prosecution during investigation Investigating Officer procured one CCTV footage but through the footage none of the accused could be identified.

6. He further submitted that however there are some witnesses of the incident but they categorically stated that all the accused persons have covered their faces and therefore, they could not recognize them.

7. He further submitted that after considering entire facts in detail Akash

Prajapati has been released on bail by this Court and his bail order has been annexed at page 49 of the supplementary affidavit dated 17.9.2026 and case of applicant is at par with him.

8. He further submitted that applicant is having no previous criminal history and he is in jail in the present matter since 30.5.2026.

9. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

11. It reflects, applicant was not named in the FIR and his complicity was revealed during investigation through the statement of co-accused Himanshu.

12. It further reflects, however there is CCTV footage of the incident but none of the accused persons could be identified through the footage.

13. Further it also reflects, there are some eye witnesses but according to them, all the accused persons have covered their faces and therrfore, they could not disclose the name of any accused.

14. Further co-accused Akash Prajapati who was also made accused in the present matter alongwith the applicant has already been released on bail by this Court and case of applicant is almost at par with him.

15. Further, applicant is having no previous criminal history and he is in jail in the present matter since 30.5.2026.

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

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

18. Let the applicant-**Kanhaiya Thakur @ Devesh Kumar,** 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.

19. 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.

20. 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.

October 5, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad