HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29084 of 2026

Talhar

.....Applicant(s)

Versus

State Of U.P

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mohammad Tausif, Mohammad Wadood, Mohd. Samiuzzaman Khan
Counsel for Opposite Party(s)	:	Sunil Kumar Srivastava, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Mohd. Samiuzzaman Khan, learned counsel for applicant, Sri Sunil Kumar Srivastava, learned counsel for informant and Sri R.N. Srivastava, learned AGA for State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.46 of 2025, under Sections 333, 103(1), 115(2), 352, 351(3), 109 and 3(5) BNS, Police Station Deoband, District Saharanpur, during pendency of the trial.

3. Learned counsel for applicant submits, however, applicant is named in the FIR along with two others and according to the FIR, applicant along with other accused caused injuries to the deceased due to which he died and two others including informant sustained injuries, but entire allegations leveled against applicant are totally false.

4. He further argued, after considering the facts of the case, first bail applications of the co-accused Arshad and Alishan were dismissed by this Court on merit, but their second bail applications were allowed on the ground that in examination-in-chief, informant, the injured of the case, stated that applicant caused knife injuries to the deceased.

5. He next submits, during his cross-examination, informant further stated that he is not sure who caused injury to the deceased and, therefore, his examination-in-chief, prima facie, appears to be doubtful.

6. He next submits even considering the facts of the case including FIR, the case of applicant is at par with the case of co-accused Arshad and Alishan who have been released on bail by this Court.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 29.01.2025 i.e. for last one and half years.

8. Per contra, learned A.G.A. as well as learned ounsel for informant opposed the prayer for bail and submit, however, from the FIR and statements of witnesses recorded during investigation, it reflect only general role has been assigned to all the accused, including applicant, but from the examination-in-chief of the informant, who is also injured witnesses, it is apparent that applicant was the prime accused and he caused knife injuries to the deceased, and considering this fact co-accused Alishan and Arshad have been released on bail by this Court and, therefore, case of applicant is distinguishable from the case of the above accused.

9. They next submit, however, in the present matter applicant is in jail for last more than one and a half years, but considering the nature of allegation, it is not proper to release him on bail on this ground.

10. They next submit, therefore, considering the facts of the case, instant bail application may be dismissed.

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

12. Applicant is named in the FIR along with two others and according to the FIR and statements of witnesses, recorded during investigation, applicant and co-accused Arshad and Alishan by causing knife injury committed the murder of the deceased and even in the incident informant and his nephew also sustained injury.

13. It reflects, after considering the facts of the case, first bail application of co-accused Arshad and Alishan have been dismissed by this Court, but their second bail application were allowed on the ground that before trial court informant, one of the injured, in his examination-in-chief

categorically stated that applicant caused injuries to the deceased.

14. Further, however, it reflects in cross-examination when a question was asked by defense counsel, then informant stated that he could not state who caused injury to the deceased, but considering his examination-in-chief, prima facie, at this stage it cannot be said that applicant is innocent and from his examination-in-chief it reflects, applicant was the prime accused who inflicted knife injury to the deceased and, therefore, his case is distinguished from the case of co-accused Arshad and Alishan.

15. Further, even considering the examination-in-chief of informant, it also reflects that the case of applicant is distinguishable from the case of co-accused Alishan and Arshad.

16. Further, however, applicant is in jail in the present matter since January 2025, i.e. for last more than one and a half years, but it is a case in which one person died and two persons sustained injury and applicant is facing trial of murder in which minimum punishment is life imprisonment and, therefore, merely on this ground it is not proper to release him on bail at this stage.

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

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

(Sameer Jain,J.)

October 24, 2026
Kumar Manish

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