HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29806 of 2026

Jakiya @ Jaki Muhammad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manish Pandey
Counsel for Opposite Party(s)	:	G.A., Ravindra Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Vishnu Kant Tiwari,Advocate, holding brief of Sri Manish Pandey, learned counsel for applicant and Sri S.K. Singh, Advocate, holding brief of Sri Ravindra Singh, learned counsel for informant and Shri Rajnikant Rai, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.187 of 2026, under Sections 115(2), 352, 103(1) BNS, Police Station Chandausi, District Sambhal, during pendency of the trial.

3. Learned counsel for applicant submits, however, applicant is named in the FIR and according to the FIR due to assault made by applicant and others, one person died and two persons sustained injury but entire allegation levelled against applicant are totally false.

4. He further argued, however, from the statement of injured witness it reflects they reiterated the version of the FIR but when I.O. recorded statement of two eye witnesses, namely, Pappu and Furkan, then they changed the prosecution version and stated that applicant and other accused were throwing stone from the roof due to which deceased and injured sustained injury and this fact casts serious doubt on the prosecution case.

5. He further argued, even from the post-mortem report it reflects, however, deceased sustained as many as five injuries but considering her

injuries, prima facie, it cannot be said that applicant and other accused were having any intention to cause her death.

6. He next submits, it reflects dispute arose between applicant side and informant side and in the incident deceased sustained injuries and died.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since June 2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submits, on minor issue applicant along with others badly beaten the deceased due to which she died and her post-mortem report suggests her third and fifth ribs were fractured and even liver was damaged.

9. They next submit, according to the doctor, due to rupture of liver deceased died.

10. They next submit, however, Pappu and Furkan tried to change the version but in the light of the post-mortem report of the deceased and statements of injured witnesses, prima facie, their statement do not appear to be reliable and it reflects they being neighbor were trying to favour the applicant.

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

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

13. Applicant is named in the F.I.R. along with others and according to the FIR due to assault made by them one person died and two persons sustained injury. During investigation when IO recorded the statements of injured witnesses then also they reiterated the version of the FIR.

14. Further, however, during investigation I.O. also recorded the statements of Furkan and Pappu and according to them applicant and other accused were pelting stones upon the deceased and injured from the roof and, therefore, their statement are contrary to the statements of other witnesses including injured witnesses but postmortem report suggests

deceased sustained number of injuries and her two ribs were found fractured and even she sustained injury in her liver and considering the postmortem report, prima facie, statements of above two alleged eye witnesses appears to be doubtful and possibility cannot be ruled out, that they with intention to save the applicant stated in such a manner

15. Be that as it may, considering the statements of injured witnesses and postmortem report of the deceased and fact that on minor issue applicant and others committed the alleged offence, prima facie, it could not be reflected, applicant is innocent

16. Further, even applicant is in jail only since June 2026.

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

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

October 24, 2026
Kumar Manish

(Sameer Jain,J.)

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