2026:AHC:227486

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30975 of 2026

Vansh Soni @ Dipesh Verma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ankit Kumar, Ashish Tripathi, Ganesh Datta Sharma, Pankaj Sharma
Counsel for Opposite Party(s)	:	G.A., Sunil Kumar Dubey

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Today short counter affidavit filed by informant is taken on record.

2. Heard Sri Pankaj Sharma and Sri Ankit Kumar, learned counsel for the applicant; Sri Ashwani Kumar Mishra, Advocate holding brief of Sri Sunil Kumar Dubey, learned counsel for the informant and Sri R. N. Srivastava, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 151 of 2026, under Sections 103(1), 238, 190, 191(2), 191(3), 61(2) BNS, Police Station Kotwali Hathras, District Hathras, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that initially FIR of the present case was lodged on 7.4.2026 against the co-accused Gaurav Sharma and Kamal Sharma at PS Sahpau, District Hathras but subsequently when it was found that actually matter relates to Hathras Kotwali then present case was transfer to PS Hathras Kotwali.

5. They further submitted that admittedly informant of the case was not the eye witness and after the FIR he moved second tehreer but in this tehreer also he did not disclose the name of the applicant but subsequently when he moved third tehreer then he disclosed the name of the applicant and thereafter applicant has been made accused in the present matter.

6. They further submitted that as per prosecution Premlata Saraswat and Manoj Sharma were the eye witnesses and however they stated that

applicant and several others who were total 16 in numbers abducted the deceased but statements of these witnesses were recorded after two months and even both the witnesses appear to be chance witnesses.

7. They further submitted that however during investigation Investigating Officer procured one CCTV footage of the incident but from the extract of the footage noted by the Investigating Officer in the case diary, name of the applicant could not be reflected.

8. They further submitted that after considering the entire facts in detailed, co-accused Gaurav Sharma who was even named in the FIR dated 7.4.2026 has been released on bail by this Court vide order dated 18.9.2026 passed in Crl. Misc. Bail Application No. 33324 of 2026 and case of applicant is on better footing than him.

9. They further submitted that however apart from the present case, applicant is having criminal history of one another case but his criminal history has been explained and in the present matter he is in jail since 14.4.2026 i.e. for last more than six and half months.

10. 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.

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

12. Record suggests that FIR of the present case was lodged on 7.4.2026 against co-accused Gaurav Sharma and Kamal Sharma but subsequently when informant moved third application then in the third application he disclosed the name of the applicant. It further reflects, even informant of the case was not the eye witnesses.

13. However record further suggests that there are two eye witnesses Premlata Sarashwat and Manoj Sharma and they also however disclosed the name of the applicant alongwith others who were total 16 in numbers and stated that applicant and other accused abducted the deceased but statements of both the witnesses were recorded after two months and even prima facie, they appear to be chance witnesses.

14. Further however it also reflects, during investigation Investigating

Officer procured one CCTV footage of the incident but from the details of the footage which have been noted by the Investigating Officer in the case diary it could not be reflected that in the extract of the same he disclosed the name of the applicant.

15. Considering the overall facts and circumstances of the case, prima facie it reflects, there is no cogent evidence which can connect the applicant with the instant crime.

16. Further, co-accused Gaurav Sharma who was even named in the FIR dated 7.4.2026 has been released on bail by this Court and considering the faces of the case, it reflects, case of applicant is on better footing than him.

17. Further, however apart from the present case, applicant is having criminal history of one another case but his criminal history has been explained and in the present matter he is in jail for last more than six and half months.

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

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

20. Let the applicant-**Vansh Soni @ Dipesh Verma,** 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.

21. 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.

22. 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.

November 2, 2026
Ankita

(Sameer Jain,J.)

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