HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30387 of 2026

Gopi Chandra Chaurasiya

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Prem Narayan Singh, Raj Kumar Shukla
Counsel for Opposite Party(s) : Dharmendra Kumar, Kavish Suhail, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by the State and informant are taken on record.

2. Heard Sri Anil Srivastava, learned Senior Advocate assisted by Sri Raj Kumar Shukla, learned counsel for the applicant, Sri Kavish Suhail, learned counsel for informant and Sri Ashutosh Singh, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 272 of 2026, under Sections 103(1), 238(1) BNS and Section 3/25/35 of Arms Act, Police Station Lanka, District Varanasi during pendency of the trial.

4. Learned counsel for the applicant submits, FIR of the present case was lodged by father of the deceased against unknown persons.

5. He further submits, during investigation it was revealed that one Manish Kumar Singh is the eye witness and when his statement was recorded then he disclosed the name of applicant and stated that on the date of incident dispute of applicant arose with the deceased and thereafter applicant called the co-accused Rishi Pandey and Rishi Pandey during dispute in rash told the applicant to fetch his pistol and when applicant handed over his pistol to him then he by causing firearm injury committed the murder of the deceased and therefore, from the statement of sole eye witness it reflects, co-accused Rishi Pandey is the prime accused, who by causing firearm injury committed the murder of the deceased.

6. He further submits, however above eye witness assigned the role of handing over the pistol to co-accused Rishi Pandey to the applicant but there

was no occasion for the applicant to hand over the pistol to co-accused. He next submits, as dispute of deceased arose with applicant, therefore, very casually he has also been made accused in the present matter along with co-accused Rishi Pandey by attributing ornamental role to him.

7. He next submits, applicant is not having any criminal history and in the present matter he is in jail since 14.06.2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, sole eye witness Manish Kumar Singh categorically disclosed the name of applicant and applicant was the person from whom dispute of deceased arose and he was present at spot and he called the co-accused Rishi Pandey and thereafter on the instructions of Rishi Pandey he from the room took the pistol of co-accused Rishi Pandey and handed over to him and thereafter co-accused committed the murder of the deceased, therefore, it cannot be said that applicant is innocent.

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

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

11. However, as per sole eye witness Manish Kumar Singh on the instructions of co-accused Rishi Pandey, applicant from the room took his pistol and handed over to him and thereafter he by causing firearm injury committed the murder of the deceased but story narrated by this witness with regard to the role assigned to the applicant prima facie appears to be unconvincing.

12. Further, even prime accused in the present matter appears to be co-accused Rishi Pandey who by causing firearm injury committed the murder of the deceased.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 14.06.2026 i.e. for last more than four months.

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

15. Accordingly, without expressing any opinion on the merits of the case,

the instant bail application is **allowed**.

16. Let the applicant - **Gopi Chandra Chaurasiya** 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.

17. 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.

18. 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 29, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad