HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31338 of 2026

Salman

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Prashant Ji Pandey, Shivam Tiwari
Counsel for Opposite Party(s)	:	Dhiraj Kumar Pandey, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Shivam Tiwari, learned counsel for the applicant, Sri Vivek Shukla, learned advocate holding brief of Sri Dhiraj Kumar Pandey, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.309 of 2026, under Sections 333, 103(1), 309(6), 317(2), 3(5) BNS and Section 4/25 Arms Act, Police Station Nakud, District Saharanpur, during pendency of the trial.

3. Learned counsel for the applicant submits, nobody was named in the FIR but during investigation applicant merely on the basis of suspicion has been made accused alongwith co-accused Ankur Gupta and co-accused Ankur Gupta has been released on bail by this Court and his bail order has been annexed at page 11 of the rejoinder affidavit dated 12.10.2026 and case of applicant is almost at par with him.

4. He further submits, however as per prosecution when applicant was arrested then from his possession two earrings of the deceased were recovered but entire recovery is false and planted one and till date alleged recovered articles could not be identified by any of the witnesses.

5. He further argued, apart from the present case applicant is having criminal history of one another case but that case relates to minor offense.

6. He next submits, in the present matter applicant is in jail since

04.06.2026 i.e. for last almost five months.

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

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

9. Nobody was named in the FIR. It reflects, during investigation applicant has been made accused on the basis of suspicion alongwith co-accused Ankur Gupta and co-accused Ankur Gupta has been released on bail by this Court and case of applicant is almost at par with him.

10. Further, however as per prosecution, when applicant was arrested then from his possession looted earrings of the deceased were also recovered but it reflects, during investigation no identification parade of the earrings were conducted. Further, even the manner in which the recovery has been made prima facie it appears to be doubtful.

11. Further, however apart from the present case applicant is having criminal history of one another case but that case was of minor nature.

12. Further, in the present matter applicant is in jail since 04.06.2026 i.e. for last almost five months.

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

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

15. Let the applicant - **Salman** 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.

16. 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.

17. 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.

(Sameer Jain,J.)

October 24, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad