2026:AHC:209005

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32278 of 2026

Nawab

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Along with :

1. **Criminal Misc. Bail Application No. 30476 of 2026:**
   Arif

   Versus

   State of U.P.

Counsel for Applicant(s)	:	Aditya Nandan, Chandan Srivastava, Vikas Srivastava
Counsel for Opposite Party(s)	:	G.A., Mohabbat Bi, Mohammad Danish, Mohd Imdad Siddiqui

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. None appeared on behalf of the informant even in the revised call.

2. As both the bail applications are connected and arise from the same FIR therefore both the bail applications are being heard and disposed of simultaneously by common order.

3. Heard Sri Vikas Srivastava, learned counsel for the applicants and Sri Imran Khan, learned AGA for the State.

4. The instant bail applications have been filed seeking release of the applicants on bail in Case Crime No.238 of 2026, under Sections 103(1), 61(2) BNS, Police Station Civil Lines, District Moradabad, during pendency of the trial.

5. Learned counsel for the applicants submits, however applicants are named in the FIR and it is a case of double murder but admittedly applicants with the aid of Section 61(2) BNS i.e. for hatching conspiracy

have been made accused in the present matter and they were neither present at spot nor role of causing injury has been assigned to them. He next submits, except bald and verbal allegation even there is no evidence of hatching conspiracy against applicants.

6. He next submits, co-accused Mohd Faheem has also been made accused with the aid of Section 61(2) BNS alongwith applicants and he has been released on bail by this Court vide order dated 18.08.2026 passed in Criminal Misc. Bail Application No.29012 of 2026 and case of applicants is at par with him.

7. He further submits, however applicants were having criminal history of one case each but their criminal history has been explained and both the cases were of minor nature.

8. He next submits, in present matter applicants are in jail since July, 2026.

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

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

11. However, it is a case of double murder and in the present matter applicants are is in jail only since July, 2026 but it reflects, with the aid of Section 61(2) BNS they have been made accused in the present matter and from the record it is reflected, there is no cogent evidence against the applicants except bald and verbal allegation.

12. Further, co-accused Mohd Fahim who was also made accused during investigation alongwith applicants and he has been released on bail by this Court and case of applicants is at par with him.

13. Further, however it reflects, applicants are also having criminal history of one case each but their criminal history has been explained and those cases relate to minor offences.

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

15. Accordingly, without expressing any opinion on the merits of the case, the instant bail applications are allowed.

16. Let the applicants - **Nawab** and **Arif** 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 applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

(ii) The applicants 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 applicants 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 applicants.

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.

(Sameer Jain,J.)

October 6, 2026
Shahroz

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