HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37576 of 2026

Rahul @ Raja Nai

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manvendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Manvendra Singh, learned counsel for the applicant and Dr. S.B.Maurya, learned AGA-I, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.103 of 2025, under Sections 103(1) and 352 BNS, Police Station Husainganj, District Fatehpur during pendency of the trial.

3. Learned counsel for the applicant submits that applicant is sole accused, who is also named in the FIR and according to the FIR, on 10.5.2025 at about 9.30 PM in the night when nephew of the informant had gone to attend a marriage function in the house of one Awadhesh Kumar then in the function applicant caused injuries to him through sharp edged weapon but entire allegations levelled against the applicant are totally false. He next submits that admittedly informant of the case was not the eye witness.

4. He further submits that initially FIR of the present case was lodged for offence punishable under Sections 109(1) and 352 BNS but when injured, i.e., nephew of the informant died after four days, i.e., on 14.5.2025 then case was converted under Section 103(1) BNS. He next submits that however deceased died after four days, but his dying declaration has not been recorded.

5. He further argued that as per prosecution, in the alleged incident along with the deceased some other persons also sustained injuries including

one Amit Kumar Singh but there is no medical report of any other person which can substantiate this allegation.

6. He further argued that from the statements of alleged eye witnesses including witness Amit Kumar Singh, it reflect that according to them also, applicant caused knife injuries to the deceased but FIR of the present case was lodged after three days and as name of applicant had already disclosed by the informant in the FIR, therefore, during investigation when statements of alleged eye witnesses were recorded then they also reiterated the version of the FIR.

7. He further submits that actually it reflects that nobody could see the real incident and merely on the basis of hearsay evidence, FIR of the present case was lodged.

8. He further submits that there is no explanation why FIR of the present case has been lodged after three days and this fact casts serious doubt on the prosecution case.

9. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 15.5.2025 i.e., for almost one and half years.

10. Per contra, learned AGA opposed the prayer for bail and submits that applicant by causing knife injuries committed the murder of the deceaed and incident has been witnessed by several persons but he could not dispute the fact that FIR of the present case has been lodged after three days and there is no explanation in this regard . He also could not dispute the fact that applicant is not having any other criminal history and he is in jail for almost one and half years.

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

12. It reflects that however, applicant is named in the FIR and according to the FIR he caused injuries to the deceased but admittedly informant of the case was not the eye witness.

13. Further, however, from the record it reflects that according to the prosecution, there are eye witnesses and they also reiterated the version of the FIR and stated against the applicant but considering the fact that

there is delay of three days in lodging the FIR and there is no explanation in this regard, prosecution story and the statements of alleged eye witnesses prima facie appear to be doubtful.

14. Further, as name of the applicant had already been disclosed by informant in the FIR, who was though not the eye witness, therefore, this Court finds merit in the argument advanced by the learned counsel for the applicant that as informant had already disclosed his name, therefore, during investigation alleged eye witnesses in support of the FIR also disclosed his name especially considering the delay in lodging the FIR.

15. Further, applicant is not having any previous criminal history and in the present matter he is in jail for almost one and half years.

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

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

18. Let the applicant-**Rahul @ Raja Nai** 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.

19. 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.

20. 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 23, 2026
SKM

Digitally signed by :-
SHRAVANA KUMAR MISHRA
High Court of Judicature at Allahabad