2026:AHC:209056

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35454 of 2026

Pawan Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akhand Pratap Singh, Prabhat Kumar Singh
Counsel for Opposite Party(s)	:	Ankit Mishra, Brijesh Kumar Chaturvedi, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Brijesh Kumar Chaturvedi, learned Advocate, submits that yesterday he has filed his power on behalf of the informant in this Registry of this Court and, therefore, his name could not be shown in the cause list.

2. Heard Sri Prabhat Kumar Singh, learned counsel for the applicant, Sri Brijesh Kumar Chatruvedi, learned counsel for the informant and Dr. S.B.Maurya, learned AGA-I, for the State.

3. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.314 of 2025, under Sections 103(1) and 61(2) BNS, Police Station Ubhaon, District Ballia during pendency of the trial.

4. Learned counsel for the applicant submits that however, applicant is named in the FIR along with three others and as per allegation applicant and other accused committed the murder of the deceased by causing firearm injury to him but admittedly informant of the case was not the eye witness.

5. He further submits that during investigation Investigating Officer could not procure any eye witness account and it reflects, only due to suspicion and previous enmity applicant has been made accused in the present matter.

6. He further submits that however, apart from the present case applicant is having criminal history of ten cases but his criminal history has been duly explained in the instant application and none of the case was serious in nature and in all the cases he is on bail.

7. It is further submitted that the applicant at the time of incident was not present at spot and he was present in Lucknow and this fact is even evident from his photographs, which have been annexed along with the instant bail application and therefore, even from this angle also, involvement of the applicant in the present case prima facie appears to be doubtful.

8. He further submits that in the present matter applicant is in jail since 23.12.2025, i.e., for the last more than nine months.

9. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, however, informant of the case was not the eye witness and even during investigation no eye witness could come forward to depose against applicant but there was video of incident which was produced by the Investigating Officer on the direction issued by co-ordinate Bench of this Court in Criminal Misc. Bail Application No. 17037 of 2026 (Rohit Kumar Verma Vs. State of U.P) i.e. bail application of co-accused Rohit Kumar Verma and while granting bail to him co-ordinate Bench of this Court on 27.05.2026 in paragraph-3 categorically observed that the pen drive produced in Court has been played on monitor and it was found that deceased Ayush Yadav specifically stated that applicant and co-accused Robin and Raj opened fire upon him. They further submits, therefore involvement of the applicant in the present case is apparent and finding recorded by the co-ordinate Bench of this Court in the above case cannot be ignored by this Court in this case.

10. They further submits that even apart from the present case applicant is having criminal history of ten other cases including several cases of fraud and cheating.

11. They further submit that therefore considering the facts and circumstances of the case, the instant bail application may be dismissed.

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

13. It reflects that applicant is named in the FIR along with others. Record further suggests that informant of the case was not the eye witness.

14. It further reflects that however, during investigation Investigating Officer did not record the statement of any eye witnesses but there is video of the incident. It also reflects that however, during investigation Investigating Officer did not note the extract of the video of the incident in the case diary and therefore, while hearing the bail application of co-accused Rohit Kumar Verma the Coordinate Bench of this Court had to summon the Investigating Officer with the direction to produce the alleged video of the incident, if any.

15. Record further suggests that pursuant to the order passed by Coordinate Bench of this Court pen drive of the incident was produced and was played before Coordinate Bench of this Court.

16. It further reflects that on 27.5.2026 the Coordinate Bench of this Court after hearing the bail application of co-accused Rohit Kumar Verma vide Criminal Misc. Bail Application No. 17037 of 2026 however allowed his bail application but observed in paragraph-3 as:-

"In pursuance of order of this Court dated 19th May, 2026 I.O. of this case is present along with pen drive containing video prepared by the brother of the deceased having dying declaration of the deceased. Though in the case diary it has been mentioned that after taking certificate under Section 63(4) C of Indian Evidence Act, the pen drive was also made part of the case diary but its over view has not been made in the case diary. ***The pen drive produced in Court has been played on monitor and it was found that deceased Ayush Yadav specifically stated that there were Rovin, Pawan, Raj who fired upon him and specifically denied the involvement of the present applicant Rohit."***

17. Therefore, from the bail granting order of co-accused Rohit Kumar Verma dated 27.05.2026 passed by the Coordinate Bench of this Court it reflects that according to the video, which was played before Coordinate Bench of this Court, applicant along with co-accused Robin Singh and

Raj opened fire upon the deceased.

18. Further, even bail application of co-accused Robin Singh has been dismissed by this Court vide order dated 28.7.2026 passed in Criminal Misc.Bail Application No. 25789 of 2026 and considering the video of the incident, it cannot be said that applicant is innocent and his case is distinguishable from co-accused Robin Singh.

19. This Court finds merit in the argument advanced by learned AGA as well as learned counsel for informant that finding recorded by the co-ordinate Bench of this Court in case of co-accused Rohit Kumar Verma cannot be ignored.

20. Further, even post mortem report suggests that deceased sustained three firearm injuries. Further, even applicant is having criminal history of ten cases including several cases of fraud and loot.

21. Further, however, as per applicant, on the date of incident, he was not present at spot and he was in Lucknow but plea of alibi cannot be considered at the stage of bail and this plea can only be properly adjudicated by trial court during trial.

22. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

23. Accordingly, the instant bail application is **rejected.**

24. 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
SKM

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