2026:AHC:227476

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33580 of 2026

Pawan Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajai Mani Tiwari
Counsel for Opposite Party(s)	:	Sunil Kumar Dubey, G.A.

alongwith

CRIMINAL MISC. BAIL APPLICATION No. - 31652 of 2026

Shaurya Bharadwaj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ankit Kumar, Rishi Kesh Malviya
Counsel for Opposite Party(s)	:	G.A., Sunil Kumar Dubey

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. As both the bail applications are connected and arise from same case crime number, therefore, both are being heard simultaneously and disposed off by a common order.

2. Heard Sri Ajai Mani Tiwari, learned counsel for the applicant-Pawan Kumar and Sri Ankit Kumar, learned counsel for the applicant-Shaurya Bharadwaj; Sri Ashwani Kumar Mishra, Advocate holding brief of Sri Sunil Kumar Dubey, learned counsel for the informant and Sri R. N. Srivastava, learned AGA for the State-respondent.

3. The instant bail applications have been filed seeking release of the applicants on bail in Case Crime No. 151 of 2026, under Sections 103(1), 238, 190, 191(2), 191(3), 61(2), 140(1) BNS, Police Station Kotwali Hathras, District Hathras, during pendency of the trial in the court below.

4. Learned counsel for the applicants submitted that initially FIR of the present case was lodged on 7.4.2026 against the co-accused Gaurav Sharma and Kamal Sharma at PS Sahpau, District Hathras but subsequently when it was found that actually matter relates to Hathras Kotwali then present case was transfer to PS Hathras Kotwali.

5. They further submitted that admittedly informant of the case was not the eye witness but after the FIR when he moved second tehreer then he disclosed the name of the applicants and thereafter applicants have been made accused in the present matter.

6. They further submitted that as per prosecution Premlata Saraswat and Manoj Sharma were the eye witnesses and however they stated that applicants and several others who were total 16 in numbers abducted the deceased but statements of these witnesses were recorded after two months and even both the witnesses appear to be chance witnesses.

7. They further submitted that however during investigation Investigating Officer procured one CCTV footage of the incident but from the extract of the footage noted by the Investigating Officer in the case diary, name of the applicants could not be reflected.

8. They further submitted that after considering the entire facts in detailed, co-accused Gaurav Sharma who was even named in the FIR dated 7.4.2026 has been released on bail by this Court vide order dated 18.9.2026 passed in Crl. Misc. Bail Application No. 33324 of 2026 and cases of applicants are on better footing than him.

9. They further submitted that applicant-Pawan Kumar is having no previous criminal history and in the present matter he is in jail since 23.7.2026. They further submitted that however apart from the present case, applicant-Shaurya Bharadwaj is having criminal history of three other cases but his criminal history has been explained and in the present matter he is in jail since 14.4.2026.

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

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

12. Record suggests that FIR of the present case was lodged on 7.4.2026 against co-accused Gaurav Sharma and Kamal Sharma but subsequently when informant moved second application then in the second application he disclosed the name of the applicants. It further reflects, even informant of the case was not the eye witnesses.

13. However record further suggests that there are two eye witnesses Premlata Sarashwat and Manoj Sharma and they also disclosed the name of the applicants alongwith others who were total 16 in numbers and stated that applicants and other accused abducted the deceased but statements of both the witnesses were recorded after two months and prima facie, they appear to be chance witnesses.

14. Further however it also reflects, during investigation Investigating Officer procured one CCTV footage of the incident but from the details of the footage which have been noted by the Investigating Officer in the case diary it could not be reflected that in the extract of the same he disclosed the name of the applicants.

15. Considering the overall facts and circumstances of both the cases, prima facie it reflects, there is no cogent evidence which can connect the applicants with the instant crime.

16. Further, co-accused Gaurav Sharma who was even named in the FIR dated 7.4.2026 has been released on bail by this Court and considering the facts of the case, it reflects, cases of applicants are on better footing than him.

17. Further, applicant-Pawan Kumar is having no previous criminal history and in the present matter he is in jail since 23.7.2026. Further however apart from the present case, applicant-Shaurya Bharadwaj is having criminal history of three other cases but his criminal history has been explained and in the present matter he is in jail since 14.4.2026.

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

19. Accordingly, without expressing any opinion on the merits of the case, both the bail applications are **allowed**.

20. Let the applicants-**Pawan Kumar and Shaurya Bharadwaj,** be

released on bail in the aforesaid cases 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 them 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.

21. 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.

22. 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.

November 2, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad