2026:AHC:207357

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35382 of 2026

Ayyub Hasan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravi Shankar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Ravi Shankar Tripathi, learned counsel for the applicant and Sri Shatrughan Yadav, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 141 of 2026, under Sections 103(1), 115(2), 351(3), 109(1), 61(2) BNS, Police Station Thakur Dwara, District Moradabad, during pendency of the trial in the court below.

3. Learned counsel for the applicant submitted that however applicant is named in the FIR alongwith others but from the FIR it reflects, co-accused Ibrahim was the prime accused.

4. He further submitted that however from the FIR and first statement of the informant it could not be reflected that she was eye-witness but when her second statement was recorded then she categorically stated that after hearing the noises when she reached at spot then witnessed the incident and according to this statement also co-accused Ibrahim gave lathi blow on the head of the deceased.

5. He further submitted that however in the alleged incident Noor Hassan, brother of the deceased also sustained injury and from his statement it reflects, co-accused Raees caused injury to him and he assigned only general role to all the accused in causing injury to the deceased. He further submitted that statement of this witness is contrary to the second statement of the informant who also claimed herself to be an eye-witness.

6. He further submitted that even the statement of injured-Noor Hassan was recorded after two weeks.

7. He further submitted that according to the prosecution there are several other eye-witnesses too but surprisingly their statements were also recorded after sixteen days.

8. He further submitted that actually nobody could see the real incident but as

informant had disclosed the name of the applicant in the FIR, therefore, all the witnesses in their statements which were recorded after two weeks started disclosing the name of the applicant.

9. He further submitted that applicant is innocent and he never participated in the alleged crime.

10. He further submitted that even applicant was not having any motive to commit the instant crime and motive was against co accused Ibrahim and Raees.

11. He further submitted that applicant is having no previous criminal history and in the present matter he is in jail since 27.07.2026.

12. Per contra, learned A.G.A. opposed the prayer for bail but could not dispute the arguments on facts advanced by the learned counsel for the applicant.

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

14. However from the second statement of the informant it reflects, she witnessed the real incident and according to her, applicant alongwith others dragged the deceased but from this statement it reflects, co-accused Ibrahim was the prime accused who gave fatal blow to the deceased.

15. Further, however it is a case in which younger brother of the deceased namely Noor Hassan also sustained injury but in his statement he assigned only general role to all the accused as far as assault made upon the deceased is concerned and he further stated that co-accused Raees caused knife injury to him and however he also stated that applicant and others dragged the deceased after the incident but statement of this witness was recorded after sixteen days and from his injury report it could not be reflected that he sustained any such injury due to which earlier his statement could not be recorded.

16. Further, however apart from the informant and injured Noor Hassan as per prosecution there are number of other eye witnesses but statements of these witnesses were recorded quite belatedly after more than two weeks.

17. Considering the overall facts and circumstances of the case, the prosecution case at least with regard to the applicant, prima facie, appears to be doubtful specially considering the fact that applicant was not having any motive and motive was against co-accused Ibrahim and Raees.

18. Further, applicant is having no previous criminal history and in the present matter he is in jail since 27.07.2026.

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

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

21. Let the applicant-**Ayyub Hasan,** 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.

22. 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.

23. 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.

October 5, 2026
Ankita

(Sameer Jain,J.)

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