2026:AHC:207684

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35400 of 2026

Guddu @ Shailendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Yadav, Deeksha Singh, Janardan Yadav, Shailja Kumari Mishra, Shivam Yadav, Sr. Advocate
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Akhilesh Singh, learned Senior Counsel assisted by Sri Janardan Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 335 of 2024, under Sections 191(2), 191(3), 103(1), 190, 190(1), 115(2), 352, 351(3) BNS, Police Station Ghiror, District Mainpuri, 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 and according to the FIR applicant alongwith others committed the murder of the deceased but entire allegations levelled against the applicant are totally false. He further submitted that even informant of the case was not the eye witness. He further submitted that initially FIR was lodged for offence punishable under section 109(1) BNS and other sections but when on next day injured died then case has been converted into Section 103(1) BNS.

4. He further submitted that however as per prosecution in the alleged incident, apart from the deceased one Tinku his brother also sustained injury and when his statement and statements of eye-witnesses were recorded then they also disclosed the name of applicant and according to them applicant was the prime accused who caused several injuries to the deceased through axe and even he caused injury to the injured but from the postmortem report it reflects, however, deceased sustained as many as fourteen injuries but

none of the injuries were caused by axe and this fact suggests that applicant is innocent and on the basis of false allegation, he has been made accused in the present matter alongwith others.

5. He further submitted that applicant is having no previous criminal history and in the present matter he is in jail since December, 2024 i.e. for last more than twenty months.

6. He further submitted that therefore considering the facts of the case, applicant may be enlarged on bail.

7. Per contra, learned A.G.A. opposed the prayer for bail and submitted that applicant is prime accused who by causing injuries committed the murder of the deceased and even he caused injury to the injured and therefore, instant bail application may be dismissed.

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

9. However in the FIR alongwith applicant number of other persons were also named but informant was not the eye-witness.

10. From the statements of the injured witness-Tinku and eye witnesses it reflect that applicant was the prime accused who caused several injuries to the deceased and even he caused injury to the injured.

11. Further postmortem report suggests that deceased sustained as many as fourteen injuries.

12. Considering the statements of injured witnesses and postmortem report of the deceased, prima facie, it cannot be said that applicant is innocent and the fact that whether injuries sustained by deceased were caused through axe or not can only be appreciated by the trial court during trial.

13. Further, however in the present matter applicant is in jail for last twenty months but he is facing trial of murder in which minimum punishment is life imprisonment and therefore, merely on this ground it is not proper to release the applicant on bail at this stage.

14. Therefore, considering the facts and circumstances of the case, discussed above, in view of this Court, it is not a fit case to release the applicant on bail at this stage.

15. Accordingly, the instant bail application stands ***rejected at this stage***.

16. 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