2026:AHC:210520

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34886 of 2026

Siraj @ Pappi @ Mahraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Along with :

1. **Criminal Misc. Bail Application No. 34914 of 2026:**
   Sahil @ Siraj

   Versus

   State of U.P.

Counsel for Applicant(s)	:	Diwan Saifullah Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. As both the bail applications are connected and arise from the same FIR therefore both the bail applications are being disposed of by common order.

2. Heard Sri Diwan Saifullah Khan, learned counsel for the applicants and Sri R.N. Srivastava, learned AGA for the State.

3. Both the instant bail applications have been filed seeking release of the applicants on bail in Case Crime No.150 of 2026, under Sections 103(1), 3(5) BNS, Police Station Ankur Vihar, District Ghaziabad, during pendency of the trial.

4. Learned counsel for the applicants submits, however applicants were named in the FIR alongwith others and as per allegation they by inflicting knife injuries committed murder of the deceased but admittedly informant of the case was not the eyewitness.

5. He next submits, as per prosecution, one Smt. Rukhsar, wife of Alam, was the sole eyewitness and however when her statement was recorded by the I.O. then she stated that applicants alongwith other named accused inflicted knife injuries to the deceased but the statement of this witness

was recorded after one and a half months from the date of alleged incident. He further submits, even this witness appears to be chance witness and therefore statement of Smt. Rukhsar prima facie appears to be doubtful.

6. He next submits, except the statement of Smt. Rukhsar there is no other evidence on record which can connect the applicants with the instant crime.

7. He further submits, applicants are not having any criminal history and in the present matter they are in jail for last three months.

8. He further argued, therefore considering the facts of the case, applicants may be enlarged on bail.

9. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicants.

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

11. However, applicants were named in the FIR alongwith others and according to the FIR they by inflicting knife injuries committed murder of the deceased but admittedly informant of the case was not the eyewitness.

12. Further, however as per prosecution, Smt. Rukhsar was the eyewitness and she categorically in her statement recorded by the I.O. stated that applicants and other co-accused inflicted knife injuries to the deceased and even postmortem report suggests, deceased sustained as many as seven incised wounds but statement of Smt. Rukhsar has been recorded by the I.O. after one and half months from the date of alleged incident. Further, even she prima facie appears to be chance witness and therefore her statement prima facie appears to be doubtful.

13. Further, except Smt. Rukhsar there is no other eyewitness account. It also reflects, except the statement of Smt. Rukhsar there is no other evidence against applicants on record which can connect them with the instant crime.

14. Further, applicants are not having any criminal history and in the present matter they are in jail for last three months and investigation of the case has been completed.

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

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

17. Let the applicants - **Siraj @ Pappi @ Mahraj** and **Sahil @ Siraj** be released on bail in the aforesaid case on furnishing personal bonds 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 him 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.

18. 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.

19. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail applications and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

October 7, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad