2026:AHC:207916

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35266 of 2026

Rajat Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sushil Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Sanjay Kumar Upadhyay, learned Advocate, filed his power on behalf of the informant, which is taken on record.

2. Heard Sri Sushil Kumar Pandey, learned counsel for the applicant, Sri Sanjay Kumar Upadhyay, learned counsel for the informant and Sri Kunwar Tejendra Bahadur, learned AGA, 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.86 of 2026, under Sections 137(2), 103(1), 238 and 3(5) BNS, Police Station Ahmadgarh, District Bulandshahar during pendency of the trial.

4. Learned counsel for the applicant submits that FIR of the present case was lodged on 01.4.2026 under Section 137(2) BNS against unknown persons and according to the FIR son of the informant Anmol aged about 17 years had gone from the house at about 8.30 PM in the evening after a call and thereafter did not return.

5. He further submits that however, informant in the FIR did not disclose the name of any accused including the applicant but when on the same day, i.e., on 01.4.2026 her statement was recorded by Investigating Officer then she disclosed the name of the applicant and co-accused Sunny by stating that her son informed her that applicant and co-accused Sunny were calling him.

6. He further submits that on 02.4.2026 when dead body of the son of informant Anmol was recovered then case was converted under Section 103(1) BNS. He next argued that on the same day informant moved an application, which has been annexed at page 54 of the paper book and she in this application also disclosed the name of the applicant and co-accused but she also stated that they by making assault upon the head of the deceased committed his murder.

7. He further submits that considering the version of the FIR, subsequent statement of

the informant and her application dated 2.4.2026 prima facie appear to be doubtful.

8. He further submits that however, as per prosecution when applicant was arrested then on his pointing out mother board of the mobile phone of the deceased, brick used in the crime and cloths of applicant were recovered but in the absence of any other corroborative evidence merely on the basis of above recovery prima facie it cannot be said that applicant committed the murder of the deceased along with others.

9. He further submits that even alleged recovered cloths of the applicant and brick could not be connected with the instant crime.

10. He further argued that applicant is not having any other criminal history and in the present matter he is in jail since 3.4.2026, i.e., for the last more than six months.

11. Per contra learned AGA as well as learned counsel for the informant although opposed the prayer for bail but could not dispute the argument on facts advanced by the learned counsel for the applicant.

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

13. It is a case of circumstantial evidence and it reflects that apart from doubt and suspicion raised by informant, i.e., mother of the deceased, as per prosecution when applicant was arrested then on his pointing out one brick used in the crime, motherboard of the mobile phone of the deceased and cloth of the applicant were recovered and it reflects that except above evidence, there is no other cogent and admissible evidence against the applicant on record which can connect him with the instant crime.

14. In considered view of this Court, in absence of any other corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant involved in commission of the present crime along with others especially considering the fact that even alleged recovered items could not be connected with the instant crime.

15. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 03.4.2026, i.e., for the last more than six months.

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

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

18. Let the applicant-**Rajat Kumar** 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.

19. 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.

20. 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
SKM

(Sameer Jain,J.)

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