2026:AHC:212799

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36114 of 2026

Hussain Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Anjeet Singh, Kamlesh Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Anjeet Singh, learned counsel for the accused-applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Hussain Khan** to enlarge him on bail in Case Crime No. 82 of 2023, under Sections 394, 427, 411 IPC, P.S.- Sajeti, District- Kanpur Dehat, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been falsely implicated in F.I.R. dated 02.04.2023 lodged by Pradeep Kumar Saini with the allegation that after closing the shop, he along with his brother was returning on his loader vehicle, which was intercepted by anonymous persons and the informant and his brother were robbed of Rs.10,000/-, gold chain and a mobile phone. After a period of five months, two of the accused have been arrested including the accused-applicant and from their possession Rs.33,000/- and mobile phone was recovered. The arrest and recovery has been made in the absence of independent witness. The trial is proceeding and all the witnesses of fact have denied the prosecution story and the involvement of the accused-applicant. The applicant has four cases criminal history, in all the cases, he is on bail. The applicant is in jail since 22.08.2023 and hence, the applicant seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considered that the arrest and recovery has been made in the absence of independent witness.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 9, 2026
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad