2026:AHC:208387

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35480 of 2026

Ankit

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Diwakar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Praveen Shukla, learned Advocate filed his power on behalf of informant, today in the Court, which is taken on record.

2. Heard Sri Diwakar Shukla, learned counsel for the applicant, Sri Praveen Shukla, learned counsel for informant and Sri Vijay Kumar, learned AGA-I for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 104 of 2026, under Sections 103(1), 191(2), 191(3) BNS, Police Station Jafarganj, District Fatehpur during pendency of the trial.

4. Learned counsel for the applicant submits, however, applicant is named in the FIR along with five others but FIR is based on suspicion.

5. He further submits, after more than one and half months Investigating Officer recorded the statements of two close relatives of the deceased Usha Devi and Maya Devi and they very casually stated that on the date of incident when they were going to ease themselves then they witnessed that applicant and other accused were making assault upon the deceased. He further submits, as their statements were recorded after more than one and half months, therefore, their statements prima facie appear to be doubtful.

6. He further submits, except the statements of Usha Devi and Maya Devi there is no other eye witness account. He further submits, there is no cogent and admissible evidence on record which can connect the applicant with the instant crime.

7. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 16.06.2026.

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

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

10. However, applicant is named in the FIR along with others but it reflects, FIR of the present case is based on suspicion.

11. Record further suggests that however according to prosecution two witnesses Usha Devi and Maya Devi, the close relatives of the deceased were the eye witnesses and they also disclosed the name of applicant and according to them applicant and other accused made assault upon the deceased but statements of these witnesses were recorded after more than one and half months, therefore, their statements prima facie appear to be doubtful.

12. Further, except the statements of above two witnesses there is no cogent evidence against the applicant on record which can connect him with the instant crime.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 16.06.2026.

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

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

16. Let the applicant - Ankit 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.

17. 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.

18. 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 6, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad