2026:AHC:209085

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35472 of 2026

Shubham @ Seepu Ahirwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anil Kumar, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 263 of 2025, under Sections 103(1), 3(5) BNS, Police Station Kotwali Nagar, District Hamirpur during pendency of the trial.

3. Learned counsel for the applicant submits, it is a case of circumstantial evidence and applicant was not named in the FIR but during investigation when named co-accused Babloo Nishad was arrested and his statement was recorded by the Investigating Officer then he disclosed the name of applicant and after disclosure the name of applicant when Investigating Officer recorded the statement of son of the deceased Kushal then he started making allegation that applicant and co-accused had taken the deceased but in the light of the FIR, the statement of witness Kushal prima facie appears to be doubtful.

4. He further submits, except the evidence of last seen and confessional statement of applicant and co-accused there is no evidence against the applicant on record and merely on the basis of above evidence charge-sheet has been filed.

5. He further submits, however apart from the present case applicant is having criminal history of one another case but that case relates to minor offence. He further submits, in the present matter applicant is in jail since

24.03.2026 i.e. for last more than six months.

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

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

8. It is a case of circumstantial evidence and applicant was not named in the FIR but it reflects, during investigation through the statement of named co-accused he has been made accused in the present matter.

9. Further, however, it reflects, apart from the confessional statement of applicant and co-accused recorded by the Investigating Officer as per prosecution sons of the deceased also disclosed the name of applicant by stating that named co-accused had taken the deceased along with applicant but considering the FIR of the present case which was lodged on the information given by one of the son of the deceased, the statements of these two witnesses prima facie appear to be doubtful.

10. Further, even in 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 the present matter.

11. Further, apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

12. Further, in the present matter applicant is in jail since 24.03.2026 i.e. for last more than six months.

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

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

15. Let the applicant - **Shubham @ Seepu Ahirwar** 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.

16. 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.

17. 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