2026:AHC:209360

# HIGH COURT OF JUDICATURE AT ALLAHABAD

## CRIMINAL MISC. BAIL APPLICATION No. - 35729 of 2026

Munesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Ashiya Parveen, Mohd. Irfan |
| Counsel for Opposite Party(s) | : | G.A., Rajesh Kumar Mishra |

**Court No. - 65**

**HON'BLE SAMEER JAIN, J.**

1. Heard Sri Mohd. Irfan, learned counsel for the applicant, Sri Rajesh Kumar Mishra, learned counsel for the informant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.157 of 2026, under Sections 103(1) and 3(5) BNS, Police Station Patwai, District Rampur during pendency of the trial.

3. Learned counsel for the applicant submits that however, applicant is named in the FIR but role of causing fire arm injuries to the deceased has not been attributed to him and the same was attributed to co-accused Yogesh.

4. He further submits that however, as per prosecution, applicant and co-accused Vinod caught hold the deceased and thereafter co-accused Yogesh opened fire upon him but this allegation prima facie appears to be doubtful as in case of fire arm there was absolutely no occasion either for applicant or the co-accused to catch the deceased.

5. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 02.7.2026 i.e., for the last more than three months and charge sheet in the present matter has been filed.

6. 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.

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

8. However, applicant is named in the FIR but role of causing fire arm injuries to the deceased has been assigned to co-accused Yogesh.

9. Further, however, it reflects that as per prosecution applicant and co-accused Vinod caught hold the deceased and thereafter co-accused Yogesh caused fire arm injuries to him but considering the fact that it is a case in which injury was caused by fire arm, this Court finds merit in the argument advanced by the learned counsel for the applicant that prima facie role of catching hold assigned to the applicant appears to be doubtful.

10. Further, applicant is not having any previous criminal history and in the present matter he is in jail since 02.7.2026, i.e., for the last more than three months and investigation of the case has been completed.

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

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

13. Let the applicant-**Munesh** 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.

14. 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.

15. 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.

**(Sameer Jain,J.)**

**October 7, 2026**
SKM

Digitally signed by :-
SAMEER JAIN
High Court of Judicature at Allahabad