2026:AHC:209871

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35796 of 2026

Rajkumar Dubey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Neelesh Kumar Mishra, learned counsel for the applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.540 of 2026, Under Section-109(1), 309(6), 317(2) 61(2) B.N.S. and 3/25 Arms Act, Police Station-Alinagar, District- Chandauli, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about 3 days, and there is no explanation for the said delay. No proper test identification parade was conducted as per Section 7 of the Bharatiya Sakshya Adhiniyam. A false recovery of a chain has been foisted on the applicant. The criminal history assigned to the applicant stands explained, as in all two cases were foisted on him at a go. He is in jail since 31.08.2026 and undertakes to cooperate with the trial and not misuse the liberty of bail.

5. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. Considering the facts and circumstances of the case, submissions made by

learned counsel for the parties, the evidence on record, taking into consideration the delay in the institution of the FIR and that no proper test identification parade was conducted as per Section 7 of the Bharatiya Sakshya Adhiniyam, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

7. Let the applicant- **Rajkumar Dubey**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

8. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

October 7, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad