2026:AHC:209495

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 35757 of 2026**

Santosh

.....Applicant(s)

Versus

State Of U.P

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Amit Kumar Singh |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 65**

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

1. Heard Sri Amit Kumar Singh, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 19 of 2026, under Sections 115(2), 103(1), 238 BNS, Police Station Bahilpurwa, District Chitrakoot during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is named in the FIR but it is a case of circumstantial evidence. He further submits, however, as per prosecution on the date of incident under intoxication dispute arose between applicant side and deceased due to which he sustained injuries and died but entire allegation leveled against applicant is totally false.

4. He further submits, actually deceased used to consume liquor and under intoxication he sustained injuries and died but as applicant was his friend and deceased before the incident was along with him, therefore, informant implicated the applicant and co-accused in the present matter. He further submits, there is no cogent evidence which can connect the applicant with the instant crime.

5. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 21.04.2026.

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. However, as per allegation, under intoxication applicant and other accused committed the murder of the deceased but there is no eye witness account.

9. Further, considering the facts of the case the defence taken by the applicant in paragraph-22 of the affidavit filed in support of instant bail application cannot be ruled

out.

10. Further, applicant is not having any criminal history and in the present matter he is in jail since 21.04.2026.

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 - **Santosh** 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.

**October 7, 2026**
AK Pandey

**(Sameer Jain,J.)**

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