2026:AHC:227614

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36511 of 2026

Murtaza

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dhirendra Kumar Srivastava
Counsel for Opposite Party(s)	:	Ram Lakhan Deobanshi, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. None is present on behalf of the informant even in the revised call.

2. Supplementary affidavit filed by the applicant is taken on record.

3. Heard Sri Dhirendra Kumar Srivastava, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.

4. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.177 of 2023, under Sections 323, 325, 302, 504, 34 IPC, Police Station Pipari, District Kaushambi, during pendency of the trial.

5. Learned counsel for the applicant submits, however, applicant was named in the FIR along with others which was lodged on 10.06.2023 but during investigation his involvement was found false and no charge-sheet was filed against him but during trial on the basis of statements of prosecution witnesses he has been summoned under Section 319 Cr.P.C. on 26.08.2025.

6. He further submits, however, applicant challenged the order passed against him under Section 319 Cr.P.C. before this Court but his application is still pending and in the meantime he has been arrested.

7. He further submits, even from the FIR and statements of witnesses recorded before the trial court it reflects, they assigned only general role to all the accused including applicant.

8. He further submits, co-accused Mustafa was also named in the FIR and charge-sheet has also not been filed against him and he was also summoned under Section 319 Cr.P.C. and with a very detailed order he has been released on bail by this Court and his bail order has been annexed at page-154 of the paper-book and case of applicant is at par with him.

9. He further argued, however apart from the present case applicant is having criminal history of one another case but in that case after investigation final report has been submitted and in the present matter applicant is in jail since 16.05.2026 i.e. for last five and half months.

10. Per contra, learned AGA however opposed the prayer for bail but could not dispute the arguments on fact advanced by learned counsel for applicant.

11. I have heard both the parties and perused the records of the case.

12. It reflects, however applicant was named in the FIR along with five others but during investigation his involvement was found false and no charge-sheet was filed against him. It further reflects, during trial after the statements of prosecution witnesses applicant was summoned under Section 319 Cr.P.C.

13. Record further suggests that against the summoning order passed under Section 319 Cr.P.C. applicant approached this Court but it reflects, during pendency of his application he was arrested on 16.05.2026 and since then he is in jail.

14. Further, from the FIR and statements of witnesses including statement of one injured witness it reflects, only general role has been assigned by them to all the accused including applicant.

15. Further, it reflects, co-accused Mustafa was also named in the FIR and charge-sheet has also not been filed against him and he was also summoned under Section 319 Cr.P.C. and with a very detailed order he has been released on bail by this Court and case of applicant is at par with him.

16. Further, however apart from the present case applicant is having criminal history of one another case but in that case after investigation final report has been submitted.

17. Further, in the present matter applicant is in jail since 16.05.2026 i.e. for last five and half months.

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

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

20. Let the applicant - **Murtaza** 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.

21. 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.

22. 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.)

November 2, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad