2026:AHC:227155

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 38081 of 2026**

Vishal Sahani

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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| Counsel for Applicant(s) | : | Mohd. Shoeb Khan |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 65**

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

1. Heard Sri Mohd. Shoeb Khan, learned counsel for the applicant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 161 of 2026, under Sections 191(2), 103(1), 140(1), 238, 352, 351(3), 3(5) BNS, Police Station Khajni, District Gorakhpur during pendency of the trial.

3. Learned counsel for the applicant submitted that however applicant is named in the FIR alongwith 12 others and according to the FIR named accused alongwith 8-10 unknown persons committed murder of the son of the informant but entire allegations made against the applicant are totally false.

4. He further submitted that informant of the case was not the eye witness but during investigation it was revealed that younger son of the informant namely Abhijeet was the eye witness but from the facts of the case including inquest report which has been annexed alongwith the instant bail application it reflects, he was also not eye witness.

5. He further submitted that from the inquest report it reflects, dead body of the deceased was lying and on the information inquest was conducted before the FIR and thereafter, family members of the deceased were informed. He next submits, inquest report belies the statement of Abhijeet, the allege eye witness.

6. He further submits, however applicant was named in the FIR which was

lodged on 25.05.2026 and he surrendered before the court concerned on 21.09.2026 but he was in Mumbai and when he came to know that N.B.W. has been issued against him then he surrendered and this fact has been averred by the applicant in paragraph-23 of the affidavit.

7. He further submits, co-accused Abhay @ Golu Sahani has been released on bail by this Court after considering the entire facts of the case and case of applicant is at par with him and his bail order has been annexed at page-67 of the paper-book.

8. He further submits, apart from the present case applicant is having criminal history of two other cases but both the cases were of minor nature.

9. He further submits, therefore, considering the facts of the case applicant may be enlarged on bail.

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

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

12. However, applicant is named in the FIR but it reflects, informant of the case was not the eye witness.

13. Further however record suggests that younger son of the informant Abhijeet was the eye witness but from the inquest report his statement, prima facie, appears to be doubtful.

14. Further, however it reflects, FIR of the present case was lodged on 25.05.2026 in which applicant was also named and he surrendered on 21.09.2026 i.e. after four months and it also reflects, before his surrender N.B.W. has been issued against him but in paragraph-23 of the affidavit applicant categorically stated that on the date and time of alleged incident he was in Mumbai and when he came to know about the N.B.W. then he surrendered. Considering the explanation given by the applicant merely on this ground it is not proper to withhold the bail application of the applicant.

15. Further, even co-accused Abhay @ Golu Sahani has been released on bail by this Court and case of applicant is at par with him.

16. Further, apart from the present case applicant is having criminal history

of two other cases but both the cases were of minor nature.

17. Further, in the present matter applicant is in jail since 21.09.2026 and charge-sheet has been filed.

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 - Vishal Sahani 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.

**November 2, 2026**
AK Pandey

**(Sameer Jain,J.)**

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