HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37737 of 2026

Banti

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) :Rajesh Kumar Verma
Counsel for Opposite Party(s) :G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Rajesh Kumar Verma, learned counsel for the applicant and Sri Imran Khan, 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.59 of 2026, under Sections 103(1), 3(5) and 238 BNS, Police Station Faizganj Behta, District Budaun during pendency of the trial.

3. Learned counsel for the applicant submits that it is a case of circumstantial evidence and applicant was not named in the FIR but during investigation his name has been surfaced through the statement of the informant when he raised suspicion against him.

4. He further argued that apart from suspicion raised by informant, statement of co-accused and confessional statement of the applicant recorded before the Investigating Officer, as per prosecution, after taking applicant on remand, on his pointing out one bloodstained 'gamchha' (a type of cloth) and two wheeler used in the alleged crime were recovered but entire recovery is false and planted one. He next submits that even recovery of 'gamcha' was made from an open place which was accessible to all and even till date the alleged recovered bloodstained gamchha could not be connected with the instant crime.

5. He further submits that in the absence of any other corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant committed the murder of the deceased.

6. He further submits that however, applicant is having criminal history of two other cases but his criminal history has been explained in the instant bail application and both the cases were of minor nature.

7. He further argued that in the present matter applicant is in jail since 7.4.2026 i.e., for the last more than six months.

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

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

10. It is a case of circumstantial evidence and applicant was not named in the FIR. It reflects that during investigation complicity of applicant was surfaced through the statement of the informant in which he raised suspicion against him. Further, it also reflects that after taking the applicant on remand, on his pointing out recovery of one bloodstained gamchha and a two wheeler allegedly used in the crime were made but these recoveries were made from an open place which was accessible to all and even till date the alleged recovered gamchha could not be connected with the instant crime though charge sheet has already been filed.

11. This Court finds merit in the argument advanced by the learned counsel for the applicant that in the absence of any other corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant involved in commission of the present crime.

12. Further, however, apart from the present case applicant is having criminal history of two other cases but both the cases were of minor nature.

13. Further, in the present matter applicant is in jail since 7.4.2026, i.e., for the last more than six months.

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

15. Accordingly, without expressing any opinion on the merits of the

case, the instant bail application is allowed.

16. Let the applicant-**Banti** 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.

17. 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.

18. 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 24, 2026
SKM

Digitally signed by :-
SHRAVANA KUMAR MISHRA
High Court of Judicature at Allahabad