HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38066 of 2026

Suraj Saroj

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Singh Yadav, Kuldip Singh Yadav, Santosh Singh Prajapati
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Y.P. Triapthi, learned Advocate holding brief of Sri Santosh Singh Prajapati submits, Sri Santosh Singh Prajapati has filed his power on behalf of applicant in the Registry of this Court on 31.10.2026 therefore, his name could not be shown in the cause list.

2. Heard Sri Y.P. Tripathi, learned Advocate holding brief of Sri Santosh Singh Prajapati, learned counsel for the applicant and Dr. S.B. Maurya, learned AGA-I for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 101 of 2026, under Sections 103(1), 238, 3(5), 61(2)(a), 303(2) BNS, Section 27 BSA and Section 3/25 Arms Act, Police Station Sandipan Ghat, District Kaushambi during pendency of the trial.

4. Learned counsel for the applicant submits, it is a case of circumstantial evidence and nobody was named in the FIR but during investigation on the basis of his confessional statement recorded by the Investigating Officer applicant has been made accused in the present matter.

5. He further submits, apart from the above evidence as per prosecution when applicant was arrested then on his pointing out one country made pistol was recovered which was allegedly used in the instant crime but this recovery has been made from an open place which was accessible to all and even till date the alleged recovered pistol could not be connected with the instant crime.

6. He further submits, except above evidence there is no other evidence and merely on the basis of above evidence in absence of any other corroborative evidence prima facie it cannot be said that applicant committed the murder of the deceased.

7. He further submits, co-accused Sulkhan Singh has been released on bail by this Court vide order dated 01.10.2026 and his bail order has been annexed at page-132 of the paper-book and case of applicant is at par with him.

8. He further submits, apart from the present case applicant is having criminal history of four other cases but his criminal history has been explained in the instant bail application and in all the cases he is on bail.

9. He further submits, in the present matter applicant is in jail since 29.05.2026 i.e. for last more than five months.

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. It is a case of circumstantial evidence and nobody was named in the FIR. It reflects, during investigation through the confessional statement of applicant recorded by Investigating Officer he has been made accused in the present matter.

13. Further, however, apart from the above evidence as per prosecution when applicant was arrested then on his pointing out one country made pistol was recovered but recovery of the alleged pistol was made from an open place which was accessible to all.

14. Further, even till date the alleged recovered country made pistol could not be connected with the instant crime though charge-sheet has been filed. This Court finds merit in the argument advanced by learned counsel for applicant that in absence of any corroborative evidence merely on the basis of above evidence prima facie it cannot be said that applicant committed the murder of the deceased.

15. Further, co-accused Sulkhan Singh 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 four other cases but his criminal history has been explained in the instant bail application and in all the cases he is on bail.

17. Further, in the present matter applicant is in jail since 29.05.2026 i.e. for last more than five 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 - Suraj Saroj 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