2026:AHC:227196

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38080 of 2026

Rajiya @ Riyaj Mohammad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arvind Prabodh Dubey, Naushad Alam
Counsel for Opposite Party(s)	:	G.A., Ravindra Singh

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Naushad Alam, learned counsel for the applicant, Sri Ravindra Singh, learned counsel for informant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 187 of 2026, under Sections 115(2), 352, 103(1) BNS, Police Station Chandausi, District Sambhal during pendency of the trial.

3. Learned counsel for applicant submits, however, applicant is named in the FIR and according to the FIR due to assault made by applicant and others, one person died and two persons sustained injury but entire allegation levelled against applicant are totally false.

4. He further argued, however, from the statement of injured witness it reflects they reiterated the version of the FIR but when I.O. recorded statement of two eye witnesses, namely, Pappu and Furkan, then they changed the prosecution version and stated that applicant and other accused were throwing stone from the roof due to which deceased and injured sustained injury and this fact casts serious doubt on the prosecution case.

5. He further argued, even from the post-mortem report it reflects, however, deceased sustained as many as five injuries but considering her injuries, prima facie, it cannot be said that applicant and other accused were having any intention to cause her death.

6. He next submits, it reflects dispute arose between applicant side and

informant side and in the incident deceased sustained injuries and died.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since July, 2026.

8. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, from the record of the case it reflects, on minor issue applicant along with others badly beaten the deceased due to which she died and even from her post mortem report it reflects, ribs of the deceased who was lady were found fractured and her liver has been damaged and therefore it cannot be said that applicant is innocent.

9. They next submits, even after considering the entire facts of the case bail application of co-accused Jakiya @ Jaki Muhammad has been dismissed by this Court vide order dated 24.10.2026 passed in Criminal Misc. Bail Application No. 29806 of 2026 and allegation against applicant are also the same. They next submit, even in the present matter applicant is in jail only since July, 2026.

10. They further submit, therefore, considering the facts of the case, the instant bail application may be dismissed.

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

12. Applicant is named in the F.I.R. along with others and according to the FIR due to assault made by them one person died and two persons sustained injury. During investigation when IO recorded the statements of injured witnesses then they also reiterated the version of the FIR.

13. Further, however, during investigation I.O. also recorded the statements of Furkan and Pappu and according to them applicant and other accused were pelting stones upon the deceased and injured from the roof and, therefore, their statement are contrary to the statements of other witnesses including injured witnesses but postmortem report suggests deceased sustained number of injuries and her two ribs were found fractured and even she sustained injury in her liver and considering the postmortem report, prima facie, statements of above alleged eye witnesses appear to be doubtful and possibility cannot be ruled out, that they with intention to save the applicant stated in such a manner.

14. Be that as it may, considering the statements of injured witnesses and postmortem report of the deceased and fact that on minor issue applicant and others committed the alleged offence, prima facie, it could not be reflected, applicant is innocent.

15. Further, it also reflects, after considering the entire facts of the case bail application of co-accused Jakiya @ Jaki Muhammad has been dismissed by this Court and as far as allegations are concerned, the allegation against applicant are also same and there is no reason for this Court to take contrary view in the instant bail application.

16. Further, even in the present matter applicant is in jail only since July, 2026.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

18. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

19. 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