2026:AHC:232616

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39792 of 2026

Vimal @ Billa

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Dur Vijay Singh, Kamal Kaushal Upadhyay

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Dur Vijay Singh, learned counsel for applicant and Sri Shatruhan Yadav, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.71 of 2026, under Sections 103(1), 238, 3(5) BNS, Police Station Mursan, District Hathras, during pendency of the trial.

3. Learned counsel for applicant submits, it is a case of circumstantial evidence and applicant was not named in the FIR but during investigation he has been made accused in the present matter alongwith co-accused Moola @ Moolchandra @ Mohit and except suspicion and confessional statement of applicant recorded by I.O. there is no cogent evidence against applicant on record.

4. He next submits, even co-accused Moola @ Moolchandra @ Mohit has been released on bail by this Court vide order dated 26.10.2026 passed in Criminal Misc. Bail Application No.37125 of 2026 and case of applicant is at par with him.

5. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 16.04.2026 i.e. for last more than six and half months.

6. Per contra, learned AGA however opposed the prayer for bail but could

not dispute the argument on facts advanced by learned counsel for applicant.

7. I have heard both the parties and perused record of the case.

8. It is a case of circumstantial evidence and applicant was not named in the FIR. It reflects, during investigation he has been made accused in the present matter. It further reflects, except suspicion and confessional statement of applicant recorded by I.O. there is no cogent evidence against applicant on record.

9. Further, co-accused Moola @ Moolchandra @ Mohit who was also made accused during investigation has been released on bail by this Court and case of applicant is at par with him.

10. Further, applicant is not having any criminal history and in the present matter he is in jail for last more than six and half months.

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

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

13. Let the applicant - **Vimal @ Billa** 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.

14. 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.

15. 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 5, 2026
Shahroz

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