2026:AHC:231475

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43845 of 2025

Anuj Chauhan @ Shiva Chauhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Dinesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Prakash Veer Tripathi

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Dinesh Kumar Pandey, learned counsel for the applicant and Sri Shiv Dutt Shukla, learned A.G.A. for the State and Sri Prakash Veer Tripathi, learned counsel for the first informant.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 0077 of 2025, under Sections 103 (1), 238, 315, 317(2) BNS and Section 4/25 of Arms Act, Police Station Belharkala, District Sant Kabir Nagar during the pendency of the trial.

3. It is contended by the learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further submitted that FIR has been lodged against unknown and the case is based on circumstantial evidence and except the evidence of last seen there is no other evidence against him. It is also submitted that the applicant has been languishing in jail since 11.4.2025 and he is having criminal history of one case in which he is on bail. It is further submitted that trial is not likely to be concluded in near future as till date only seven witnesses have been examined and nine witnesses remain to be examined. It is lastly submitted that in case the applicant is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail and it is submitted that the deceased was last seen with the applicant and the bike and weapon of offence i.e. knife have been recovered at the pointing out of the applicant.

5. In reply, learned counsel for the applicant submits that there is no independent witness to the above recovery and disclosure statement of the applicant has not been recorded prior to effecting said recovery.

6. FIR has been lodged against unknown alleging therein the son of the first informant had gone to a birthday party in the evening of 25.3.2025 and he did not return and his dead body was found on 27.3.2025. During investigation, it has surfaced that the deceased was last seen with the applicant and post-mortem report shows 18 injuries of sharp edged weapon and it is submitted by the learned counsel for the first informant that bike and weapon of offence i.e. knife have been recovered at the pointing out of the applicant, however, learned counsel for the applicant submits that the said recovery is not supported by any independent witness. The applicant has been languishing in jail since 11.4.2025 and he is having criminal history of one case in which he is on bail. It is submitted that trial is not likely to be concluded in near future as till date only seven witnesses have been examined and nine witnesses remain to be examined.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Accordingly, the present application is **ALLOWED**.

9. Let the applicant- **Anuj Chauhan @ Shiva Chauhan** involved in the aforementioned crime be released on bail, on his 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 not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

14. However, the learned trial Court is directed to expedite the trial of the case as expeditiously as possible, preferably within a period of one year and the applicant is directed to cooperate in the trial.

(Jitendra Kumar Sinha,J.)

November 5, 2026
Abhishek

Digitally signed by :-
ABHISHEK AGRAHARI
High Court of Judicature at Allahabad