



2026:AHC:155969

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 25838 of 2026

Mohit Pal

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed today, on behalf of the applicant is taken on record.
2. Heard Sri Ajay Kumar, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State-respondent.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 69 of 2026, under Sections 103(1) BNS & Section 9(1)A(1)/25 (2) Arms Act, Police Station Girwa, District Banda, during pendency of the trial in the court below.
4. Learned counsel for the applicant submitted that however, applicant is named in the FIR and according to the FIR on 25.2.2026 in the night applicant alongwith his unknown associates committed the murder of the deceased but it reflects, FIR of the present case was lodged on the basis of suspicion and admittedly, informant of the case was not the eye-witness.
5. He further submitted that however during investigation when Investigating Officer after two days i.e 27.2.2026 recorded the statement of one Monu Nishad then he very casually stated that in the intervening night of 24/25.2.2026 when he was sleeping nearby the deceased then after hearing some noise, he woke up and witnessed that applicant was having pistol in his hand and he was going from the place of incident and even applicant threatened him but his statement, prima facie, does not appear to be convincing and it reflects, as there is no eye-witness account therefore, Investigating Officer, planted this witness and no reliance can be placed on his

committed the murder of the deceased and there is no reason to disbelieve his statement, at this stage.

8. He further submitted that therefore, considering the facts of the case and statement of witness Monu Nishad, applicant does not deserve to be enlarged on bail.

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

10. However, applicant is named in the FIR but admittedly informant of the case was not the eye witness and it reflects, he lodged the FIR against the applicant on the basis of suspicion.

11. It reflects, after two days Investigating Officer recorded the statement of one Monu Nishad and he stated that on the date of incident he was sleeping nearby the deceased and after hearing some noise when he woke up then witnessed that applicant was having pistol in his hand and he was going from the place of incident and he also threatened him but the manner in which he (Monu Nishad) narrated the story, prima facie, creates doubt on his statement and considering the fact that his statement was recorded after two days, argument advanced by learned counsel for the applicant that actually even Monu Nishad could not see the real incident and after two days Investigating Officer planted him as witness, cannot be ruled out, at this stage.

12. Further, except, Monu Nishad there is no other eye-witness account.

13. Further, applicant is having no previous criminal history to his credit and he is in jail in the present matter since 27.2.2026.

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-**Mohit Pal**, 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.

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.

July 28, 2026
Ankita

(Sameer Jain,J.)