

**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR****Bail Application No.:** 757/2026**CNR No.:** UPAN010046982026**Aman Yadav**, Aged about 24 years, Son of Komal Yadav, Resident of Village Bahauddinpur, Police Station Phulpur, District Azamgarh.*... Applicant / Accused***Versus****State of Uttar Pradesh***... Prosecution / Opposite Party***Order Date:** June 09, 2026**Case Crime No.:** 83/2026**Under Sections:** Sections 310(2), 311, 317(3), and 61(2) of the Bharatiya Nyaya Sanhita (BNS), 2023.**Police Station:** Jehangirganj, District Ambedkar Nagar

This is the first regular bail application moved on behalf of the applicant/accused, Aman Yadav, under **Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023**, seeking regular bail in connection with Case Crime No. 83/2026. The application is supported by an affidavit sworn by the applicant's pairokar, Komal Yadav.

**Points for Determination**

The following core legal and factual points arise for determination in this bail application:

1. Whether a credible *prima facie* connection exists linking the applicant to the highway robbery, considering he was not named in the First Information Report (FIR) and was implicated solely based on a co-accused's confessional statement.
2. Whether the recovery of ₹1,00,000/- made from an open area during a Police Custody Remand (PCR) holds substantial evidentiary weight when executed without independent public witnesses.
3. Whether the failure of the investigating agency to conduct a Test Identification Parade (TIP) for either the applicant or the recovered currency notes weakens the prosecution's case for regular bail.

4. Whether the applicant's criminal history of three prior cases constitutes a sufficient ground to deny bail, balanced against his right to liberty under Article 21 of the Constitution of India.

## Findings

### 1. Synopsis of the Prosecution Case

As per the FIR lodged on April 11, 2026, at 15:00 hours by the informant, Mohd. Raees, at P.S. Jehangirganj, the informant and his associate, Mohd. Jalal, are textile merchants dealing in lungis and towels. While returning from Jaynagar, District Madhubani (Bihar) after collecting dues, they retrieved their Apache motorcycle (UP 45X 0885) from the Khalilabad railway station and rode toward Jehangirganj. At approximately 7:35 AM near the Bidhar bridge, three unidentified individuals inside a white Swift car intercepted them.

The assailants struck the informant on the head with the butt of a country-made pistol (*katta*) and fled with two bags containing cash and three bank checks. The case was initially registered under Section 309(6) BNS against unknown car occupants. During the investigation, the applicant's name surfaced, leading to the deletion of Section 309(6) BNS and the addition of Sections 310(2), 311, 317(3), and 61(2) BNS.

### 2. Submissions on Behalf of the Parties

The learned counsel for the applicant submitted that the applicant is innocent and has been falsely implicated by the police out of malicious intent. He argued that:

1. The applicant is not named in the primary FIR and has been dragged into the case solely based on a co-accused's statement.
2. No recovery was made directly from his person; the alleged recovery of ₹1,00,000/- was staged while he was under police custody by exploiting a forced confession.
3. No identification proceedings (TIP) were conducted for the applicant or the currency notes.
4. The applicant was summoned to this matter via a B-Warrant on May 06, 2026, while lodged in Sultanpur jail, and has never been convicted of an offence.

The learned District Government Counsel (Criminal) strongly opposed the bail application, noting that the applicant was taken into Police Custody Remand (PCR) on May 15, 2026. Based on his disclosure statement and pointing-out, a sum of ₹1,00,000/- hidden inside a black plastic bag under boulders next to a small river bridge before Kanaila

village was recovered. The State also emphasised that the applicant has a criminal history involving three prior offences.

### 3. Judicial Analysis and Legal Precedents

On a comprehensive evaluation of the case diary and competing legal arguments, this Court records the following findings:

1. **Evidentiary Value of Co-Accused Statements:** The applicant's involvement was derived from a co-accused's statement. Confessional statements made to police officers while in custody carry restricted evidentiary weight at the stage of framing a *prima facie* case, unless backed by unassailable corroborative facts.
2. **Absence of Independent Witnesses to Discovery:** The prosecution asserts that a recovery of ₹1,00,000/- was effected based on the applicant's disclosure under **Section 23 of the Bharatiya Sakshya Adhiniyam (BSA), 2023** (formerly Section 27 of the Indian Evidence Act). However, the recovery memo shows that no independent public witness was joined during the search operation near the river bridge, nor were any names recorded of citizens who refused to cooperate. This absence of independent oversight introduces triable doubts into the police's narrative.
3. **Omission of Test Identification Parade (TIP):** The prosecution specifies that only three individuals carried out the actual robbery. Despite recovering cash described as part of the stolen property, no Test Identification Parade (TIP) was organised to identify the applicant, nor were the recovered currency notes identified through unique markings or matching check packets. Failure to conduct a TIP when dealing with common currency notes obtained from an open area weakens the *prima facie* link necessary to sustain long-term pretrial detention.
4. **Assessment of Criminal History:** The state produced a record of three prior cases against the applicant. It is a settled principle that criminal history cannot be the sole mechanism for the mechanical rejection of bail. As ruled by the Hon'ble Supreme Court in [Prabhakar Tewari v. State of U.P.: AIR ONLINE 2020 SC 96](#):

"The presence of a criminal background is a relevant factor but cannot operate as a mechanical bar to bail, provided the facts of the immediate case lack direct, non-twisting evidence connecting the accused to the crime."

5. **Duration of Detention:** The applicant has been in continuous judicial confinement in this matter since May 06, 2026. Given that

the material discovery is complete, further detention before trial would assume a punitive character, contrary to the guidelines in *Satender Kumar Antil v. CBI: (2022) 10 SCC 51.*

Consequently, without expressing any opinion on the final merits of the case, this Court finds that there are sufficient grounds to enlarge the applicant on regular bail.

### Order

The first regular bail application filed on behalf of the applicant **Aman Yadav** in connection with Case Crime No. 83/2026, under Sections 310(2), 311, 317(3), and 61(2) BNS, Police Station Jehangirganj, District Ambedkar Nagar, is hereby **Allowed**.

Let the applicant be released on bail upon executing a **personal bond of ₹1,00,000/- (Rupees One Lakh)** with **two reliable sureties** each in the like amount to the satisfaction of the trial court concerned, subject to the following conditions:

1. **Trial Cooperation:** The applicant shall fully cooperate with the trial proceedings, attend every scheduled hearing, and shall not seek intentional or groundless adjournments.
2. **Personal Appearance:** The applicant shall personally present himself before the competent trial court on every date fixed for the hearing.
3. **Protection of Evidence:** The applicant shall not directly or indirectly threaten, intimidate, or influence any prosecution witnesses, nor shall he tamper with the evidence or case records in any manner.
4. **Consequences of Non-Compliance:** If any of the conditions attached to this bail order are violated, the trial court shall have complete liberty to initiate legal measures and order the cancellation of bail in accordance with the law.

**Date:** 09.06.2026

**Place:** Ambedkar Nagar

**( Chandroday Kumar )**

Sessions Judge, Ambedkar Nagar

J.O. Code No.: UP6553