



2026:AHC:57562

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 31077 of 2025**

Zabir

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

---

Counsel for Applicant(s) : Pankaj Kumar  
Counsel for Opposite Party(s) : G.A., Satish Chandra Tiwari

---

**Court No. - 49**

**HON'BLE AJAY BHANOT, J.**

Matter is taken up in the revised call.

By means of the second bail application the applicant has prayed to be enlarged on bail in Case Crime No.34 of 2024 at Police Station-Kunwargaon, District-Budaun under Sections 302/34 IPC and Section 4/25 of the Arms Act. The applicant is in jail since 21.02.2024.

The first bail application of the applicant was rejected by this Court on 30.08.2024.

The following arguments made by Shri Pankaj Kumar, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Ramsukh Maurya, learned counsel holding brief of Shri Satish Chandra Tiwari, learned counsel for the informant and Shri Shrawan Kumar Dubey, learned A.G.A. from the record, entitle the applicant for grant of bail:

1. The applicant is a law abiding citizen who cooperated with the police investigations and had joined the trial.
2. The applicant never influenced witnesses or tampered with the evidence at any stage.
3. The applicant did not adopt dilatory tactics or impede the trial proceedings in any manner.

4. The affidavit submitted by the Joint Director (Prosecution) records that the prosecution evidence has concluded and the stage is set for proceedings under Section 313 Cr.P.C./introduction of defence evidence.

5. There is no possibility of the applicant influencing the said material witnesses or tampering with the evidence.

6. This is a case of circumstantial evidence. The burden to discredit the chain of implicatory circumstances lies on the applicant. The applicant has to gather defence evidence to break the chain of incriminating circumstances by producing evidences which include the witnesses to establish his plea of alibi.

7. The investigations were vitiated by pro-prosecution bias inasmuch as the exculpatory evidences were neglected by the police during the course of the investigations in this case. The criminal case was commenced only to burnish the credentials of the police authorities.

8. The applicant is a poor person and has been abandoned by his friends and family alike. He does not have any effective paurokar to conduct his defence before the trial court. The applicant is a person of meagre means and needs to collect resources to engage a counsel of his choice.

9. Continued incarceration of the applicant will disable him from crafting an effective defence strategy and prevent him from gathering evidence in his support and tendering the same before the learned trial court to establish his innocence. Further detention of the applicant will be detrimental to his defence in the trial and inconsistent with the norms of fairness in criminal processual jurisprudence. In fact such detention of the applicant in these facts will be punitive in nature. **[Ref: Prabhat Gangwar v. State of U.P. (Criminal Misc. Bail Application No. 2586 of 2023) Asha v. State of U.P. (Criminal Misc. Bail Application No.13193 of 2025 and Vikas Kanjad v. State of U.P. (Criminal Misc. Bail Application No. 19170 of 2025)]**

10. The applicant does not have any criminal history apart from the instant case.

11. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of the applicant influencing witnesses, tampering with the evidence or reoffending.

In wake of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant -**Zabir** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

The learned trial court is directed to fix the sureties after due application of mind in light of the judgement rendered by this Court in **Arvind Singh v. State of U.P. Thru. Prin. Secy. Home Deptt. (Application U/S 482 No.2613 of 2023)**.

The learned trial court shall ensure that the right of bail of the applicant granted by this Court is not frustrated by arbitrary demands of sureties or onerous conditions which are unrelated to the socioeconomic status of the applicant.

(Ajay Bhanot,J.)

**March 19, 2026**

Ashish Tripathi