



2026:AHC:57507

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 47223 of 2024

Rajneesh Rai Alias Himanshu Rai Alias
Sanne Alias Master Rai

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Prince Kumar Srivastava,
Ramesh Chandra Yadav,
Santosh Kumar Singh,
Yakub Ali Ansari

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

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.132 of 2023 at Police Station-Bankata, District-Deoria under Sections 302, 397, 34 IPC. The applicant is in jail since 20.03.2024.

The first bail application of the applicant was rejected by this Court on 05.09.2024.

The following arguments made by Shri Santosh Kumar Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by 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 proposes to examine 12 witnesses to bring home the charges. 9 witnesses have been examined.
5. Material witnesses have already been examined. There is no possibility of the applicant influencing the said material witnesses or tampering with the evidence.
6. 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.
7. This is a case of circumstantial evidence. The applicant needs to gather defence evidence to break the chain of incriminating circumstances by producing the evidences which include the witnesses to establish his plea of alibi. The applicant has also to prepare his defence and produce CCTV footage to establish that he was not seen with the deceased at the time proximate to the death of the latter.
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 has explained his criminal history. It is also contended that the applicant is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in a number of false cases only to show the proficiency of the police investigators. The said cases do not have any bearing on the instant bail application.

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 -**Rajneesh Rai @ Himanshu Rai @ Sanne @ Master Rai** 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.

March 19, 2026

Ashish Tripathi

(Ajay Bhanot,J.)