

**IN THE COURT OF THE SESSIONS JUDGE, AMBEDKAR NAGAR****Bail Application No.: 804/2026****CNR No.: UPAN010047862026****In the Matter of:**

1. **Aman alias Patlu**, Aged about 19 years, Son of Mahendra Lona.
2. **Raj alias Chhotu**, Aged about 19 years, Son of Sanjay Lona.

Both Residents of Village Firozpur Shahpur, Police Station Jalalpur, District Ambedkar Nagar.

... Applicants / Accused

Versus

State of Uttar Pradesh

... Prosecution / Opposite Party

Order Date: June 11, 2026

Case Crime No.: 96/2026

Under Sections: Sections 309(4) (Robbery), 317(2) (Dishonestly receiving stolen property), 351(3) (Criminal intimidation), and 3(5) (Joint liability/Common intention) of the Bharatiya Nyaya Sanhita (BNS), 2023.

Police Station: Sammanpur, District Ambedkar Nagar

This is the first regular bail application moved on behalf of the applicants/accused, Aman alias Patlu and Raj alias Chhotu, under **Section 439 of the Code of Criminal Procedure, 1973** (corresponding to Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023), seeking regular bail in connection with Case Crime No. 96/2026. The application is supported by an affidavit executed by the applicants' *paikar*, Kailashi.

Points for Determination

The following key points arise for determination in evaluating this bail plea:

1. Whether a *prima facie* case for continued pre-trial detention is made out against the applicants, who were not named in the initial FIR, based solely on an informer's tip and subsequent arrests.
2. Whether the recovery of generic currency notes without a formal Test Identification Parade (TIP) of either the accused persons or the recovered property holds sufficient evidentiary value to deny bail at this stage.
3. Whether procedural non-compliance, specifically the failure to provide copies of the arrest and recovery memos to both co-accused individually, compromises the prosecution's case for custodial detention.
4. Whether the documented criminal history of the minor-aged applicants operates as an absolute bar to bail, in the absence of any prior convictions.

Findings

1. Synopsis of the Prosecution Case

The prosecution case rests on a written complaint submitted on May 06, 2026, at 13:34 hours by the informant, Madhuresh Yadav, at the Sammanpur Police Station. The key assertions are as follows:

1. **The Incident:** On May 03, 2026, the informant's wedding was taking place at the Shreya Marriage Hall, Vallipur Bariyawan Bazar. During the wedding procession (*agwani*), three unidentified individuals arrived on a motorcycle.
2. **The Snatching:** Two youths got off the motorcycle and began dancing in front of the DJ setup. Seizing an opportunity, they violently pushed the informant's father, Arvind Kumar Verma, snatched a bag containing approximately ₹100,000/- (One Lakh) in cash from his hands, and swiftly fled the scene on the waiting motorcycle.
3. **The Evidence:** The informant mentioned that a video recording of the individuals snatching the bag was captured during the event.

Initially, the FIR was registered against unknown individuals under Section 304(2) of the BNS, 2023. During the subsequent police investigation, the names of the applicants came to light via a police informer's tip on May 30, 2026, leading to their arrest on the next day. Consequently, Section 304(2) BNS was removed, and charges under Sections 309(4), 317(2), 351(3), and 3(5) BNS were added.

2. Submissions on Behalf of the Parties

The learned counsel for the applicants argued that they are completely innocent and have been falsely ensnared in a manufactured case on entirely baseless grounds. He raised the following critical points:

1. The FIR was filed with a significant delay against completely unknown persons, and the applicants were nowhere named in the original text.
2. No independent public witness from the crowded marriage hall or the recovery site was joined by the police to verify the alleged search.
3. The alleged recovery of cash is entirely fabricated and planted ("*numaishi*").
4. The applicants are young men aged 19 years with no convictions in any criminal matter, and they have been confined in the district jail since May 31, 2026.

The learned District Government Counsel (Criminal) strongly opposed the bail application, arguing that a cash sum of ₹28,500/- was recovered from Aman alias Patlu, and ₹28,000/- was recovered from Raj alias Chhotu. He submitted that the applicants confessed that these funds were part of the looted money from the wedding, and they have a recorded criminal history of two cases each.

3. Judicial Analysis and Legal Rulings

This Court has closely examined the case diary, the recovery memos, and the structural aspects of the investigation, highlighting several gaps:

1. **Absence of Test Identification Parade (TIP):** Since the FIR was filed against unknown persons and the applicants were arrested weeks later based on an informer's tip, a Test Identification Parade was legally imperative. The police failed to conduct a TIP to confirm if the informant or his father could identify the applicants as the actual snatchers from the wedding. No wedding video or scene is shown. Furthermore, no identification process was performed for the recovered currency notes to link them specifically to the stolen bag. As held by the Hon'ble Supreme Court in [*Mulla v. State of Uttar Pradesh \(AIR 2010 SUPREME COURT 942\)*](#), a failure to conduct a TIP when the accused is not previously known to the witnesses significantly weakens the reliability of a sudden arrest at the bail stage.
2. **Flawed Recovery Mechanism:** Out of the allegedly stolen ₹100,000/-, the police claim to have recovered a total of ₹56,500/- from both applicants jointly. The police notation states that the

remaining amount was "spent" by the accused, yet the case diary shows zero investigation into where, how, or to whom the money was distributed. There are no independent public witnesses to the recovery.

3. **Procedural Defect in Serving Memos:** In direct violation of basic criminal procedures and the mandates reinforced in *Mihir Rajesh Shah vs The State of Maharashtra on 6 November, 2025 (2025 INSC 1288)*, individual copies of the arrest and recovery memos were not handed over to both accused persons; instead, a single memo was served on only one of them.
4. **Evaluation of Criminal History:** The prosecution has detailed the following history for the young applicants:

Aman alias Patlu:

- 1) Case Crime No. 362/2024, Under Section 317(2) BNS, P.S. Baskhari, Ambedkar Nagar.
- 2) Case Crime No. 107/2026, Under Sections 309(4), 117(2) BNS, P.S. Pawai, District Azamgarh.

Raj alias Chhotu:

- 1) Case Crime No. 107/2026, Under Sections 309(4), 117(2) BNS, P.S. Pawai, District Azamgarh.
- 2) Case Crime No. 466/2025, Under Section 109 BNS and Section 3/25/27 of the Arms Act, P.S. Kotwali Dehat, District Sultanpur.

Importantly, the prosecution has failed to demonstrate a single conviction in any of these matters. Under the settled law of *Prabhakar Tewari v. State of U.P. (AIR ONLINE 2020 SC 96)*, the mere presence of pending cases cannot act as an automatic bar to the grant of bail if the underlying recovery and identification process in the immediate case are structurally flawed.

Given their young age (19 years), their period of confinement since May 31, 2026, and the lack of independent corroboration, this Court finds sufficient grounds to enlarge the applicants on bail.

Order

The first regular bail application moved on behalf of the applicants/accused **Aman alias Patlu** and **Raj alias Chhotu** in connection with Case Crime No. 96/2026, under Sections 309(4), 317(2),

351(3), and 3(5) BNS, Police Station Sammanpur, District Ambedkar Nagar, is hereby **Allowed**.

Let the applicants/accused persons be released on regular bail upon each of them executing a personal bond of **₹50,000/- (Rupees Fifty Thousand)** with **two reliable local sureties each** in the like amount to the satisfaction of the trial court concerned, subject to the following standard conditions:

1. The applicants shall not directly or indirectly approach, influence, threaten, or tamper with the informant, his father, or any potential prosecution witnesses.
2. The applicants shall not commit any further offences while utilising the privilege of this bail order.

(Chandroday Kumar)

Sessions Judge, Ambedkar Nagar

J.O. Code No.: UP06553

Date: June 11, 2026

Place: Ambedkar Nagar