



2026:AHC:70818

A.F.R.

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 10323 of**  
**2026**

Sunny

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Raghvendra Prakash, Sr.  
Advocate  
Counsel for Opposite Party(s) : G.A., Rakesh Kumar  
Srivastava

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**Court No. - 67**

**HON'BLE ARUN KUMAR SINGH DESHWAL, J.**

1. Heard Sri Gaurav Kakkar, learned Senior Counsel assisted by Sri Raghvendra Prakash, learned counsel for the applicant, Sri Rakesh Kumar Srivastava, learned counsel for the first informant, Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.
2. The instant application has been filed to release the applicant on bail in Case Crime No.100 of 2025, under Sections 103(1) and 61(2) of B.N.S. and Section 3/25/27 of Arms Act, Police Station Dankaur, District Gautam Buddh Nagar.
3. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that as per the prosecution story, the applicant is alleged to have fired upon the deceased Vishal and killed him at the gate of his housing society. He further submitted that though the first informant himself claimed to be an eye-witness of the incident in his statement, but in the site plan, the place where he was sitting at the time of

incident was not mentioned. He further submitted that as per the G.D. report, information regarding the incident in question was also received by the police through some unknown person and as per the G.D. report dated 12.05.2025 at 7:50 P.M., some unknown person fired upon the deceased Vishal, and his father has taken him to the hospital, therefore, till the deceased was taken to the hospital, exact person who has fired upon the deceased was not known. He next submitted that as per the hospital records, the deceased was admitted in the hospital on 12.05.2025. wherein it was mentioned that his father brought him to the hospital and he told that some unknown person fired upon the deceased. Learned Senior Advocate also submitted that the father of first informant Gyani was the one of the panch witnesses of inquest but name of the applicant was not mentioned as assailant instead unknown assailant was mentioned, therefore, till the time of inquest actual name of the accused was not known and subsequently applicant was falsely nominated as accused. He further submitted that though all the alleged eye-witnesses clearly stated that the present applicant fired upon the deceased Vishal, but post-mortem report shows that the deceased Vishal received two firearm injuries and such fact was not mentioned in the statement of the injured. He further submitted that it is a case of blind murder, and on the basis of doubt, as the applicant was one of the witness of murder case in which the deceased was accused, the applicant has been falsely implicated in the present case.

4. It is further submitted by learned counsel for the applicant that in the site plan it is mentioned that the applicant along with unknown person came on the spot on motorcycle and fired upon the deceased and run away on motorcycle, but no 'fard' of the motorcycle was prepared by the police. There is no incriminating material against the applicant. Applicant has no criminal history. Applicant is languishing in jail since 26.05.2025. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the investigation/trial proceedings.

5. *Per contra*, learned A.G.A. as well as learned counsel for the first informant vehemently opposed the prayer for bail and submitted that not only the father but there are several other

persons have seen the present applicant while he was doing 'Reiki' of the deceased, and this fact has been duly substantiated by the UPI payment being made by the applicant at 3:30 P.M. at the shop adjacent to the place of incident. They further submitted that the father of the deceased lodged the FIR making specific allegation against the applicant and also clearly stated in his statement about the role of the applicant and also claiming himself as a witness, and merely not mentioning the place in site plan where the applicant was present at the time of incident is not relevant, and the same is a matter of trial. It is further submitted that mentioning the name of accused in inquest is not necessary. They further submitted that on pointing out of the applicant, a country made pistol (.32 bore) was recovered and the aforesaid recovery was duly substantiated by conducting a videography as per Section 105 BNSS, therefore, the aforesaid recovery cannot be disputed. They also submitted that the father of the deceased himself brought the deceased to the hospital, and in his absence someone informed the police about the incident, who is expected to mention the name of the actual accused. Therefore, the applicant is not entitled to be released on bail.

6. Considering the rival submissions of the learned counsel for the parties. a legal question arises whether it is necessary to mention the name of accused who allegedly killed the deceased while preparing the inquest of the dead-both.

7. Section 194 of BNSS provides that when an officer in-charge of police or other police officer especially empowered by the State Government receives information that a person has been killed by another or has died under the circumstances, raising reasonable suspicion that some other person has committed an offence then he shall proceed to the place where the dead-body of the deceased person is found then in presence of two or more respectable inhabitants of the neighbourhood, he shall draw up a report/ inquest apparent cause of death, describing such wounds, fractures, bruises and other marks of injury found on the body and stating in what manner or by what weapon or instrument such marks appear to have been inflicted. This report shall be assigned by such police officer and other persons who concur with the

aforesaid observation regarding the dead-body. If there is any doubt regarding the cause of death or for other reason then the police officer may consider it expedient and he shall forward the dead-body to the nearest Civil Surgeon or other qualified medical officer appointed by the State Government with a view to its being examined.

8. Section 194 BNSS is quoted as under:

*"(1) When the officer in charge of a police station or some State police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give intimation thereof to the nearest Executive Magistrate empowered to hold inquests, and, unless otherwise directed by any rule made by the State Government, or by any general or special order of the District or Sub-divisional Magistrate, shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death, describing such wounds, fractures, bruises, and other marks of injury as may be found on the body, and stating in what manner, or by what weapon or instrument (if any); such marks appear to have been inflicted.*

*(2) The report shall be signed by such police officer and other persons, or by so many of them as concur therein, and shall be forwarded to the District Magistrate or the Sub-divisional Magistrate within twenty-four hours.*

*(3) When-*

*(i) the case involves suicide by a woman within seven years of her marriage; or*

*(ii) the case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman; or*

(iii) *the case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf; or*

(iv) *there is any doubt regarding the cause of death; or*

(v) *the police officer for any other reason considers it expedient so to do,*

*he shall, subject to such rules as the State Government may prescribe in this behalf, forward the body, with a view to its being examined, to the nearest Civil Surgeon, or other qualified medical person appointed in this behalf by the State Government, if the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render such examination useless.*

*(4) The following Magistrates are empowered to hold inquests, namely, any District Magistrate or Sub-divisional Magistrate and any other Executive Magistrate specially empowered in this behalf by the State Government or the District Magistrate."*

9. From a perusal of Section 194 BNSS, it is clear that the only purpose of inquest is to make a *prima facie* opinion about the apparent cause of death and noting the injuries i.e. wounds, fractures, bruises and other marks of injury found on the body, possible cause of death including the weapon used to inflict such injuries and after preparation of such report by the concerned officer, it shall be signed by him as well as other persons who are present and concur the aforesaid opinion, therefore, there is no statutory requirement regarding mentioning the name of accused in the inquest report. The Hon'ble Supreme Court has also observed in the case of ***Amar Singh Vs. Balwinder Singh and others, reported in (2003) 2 Supreme Court Cases 518.*** Paragraph 12 of the said judgment is quoted below:

*"The High Court has also held that the details about the occurrence were not mentioned in the inquest report which showed that the investigating officer was not sure of the facts when the inquest report was prepared and this feature of the case carried weight in favour of the accused. We are unable*

*to accept this reasoning of the High Court. The provision for holding of an inquest and preparing an inquest report is contained in Section 174 Cr.P.C. The heading of the Section is "Police to enquire and report on suicide, etc." Sub-section (1) of this Section provides that when the officer in charge of a police station or some other police officer specially empowered by the State Government in that behalf receives information that a person has committed suicide, or has been killed by another or by an animal or by machinery or by an accident, or has died under circumstances raising a reasonable suspicion that some other person has committed an offence, he shall immediately give information to the nearest Executive Magistrate and shall proceed to the place where the body of such deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, shall make an investigation, and draw up a report of the apparent cause of death describing such wounds, fractures, bruises, and other marks of injury as may be found on the body and stating in what manner, or by what weapon or instrument (if any), such marks appear to have been inflicted. The requirement of the section is that the police officer shall record the apparent cause of death describing the wounds as may be found on the body and also the weapon or instrument by which they appear to have been inflicted and this has to be done in the presence of two or more respectable inhabitants of the neighbourhood. The Section does not contemplate that the manner in which the incident took place or the names of the accused should be mentioned in the inquest report. The basic purpose of holding an inquest is to report regarding the apparent cause of death, namely whether it is suicidal, homicidal, accidental or by some machinery, etc. The scope and purpose of Section 174 Cr.P.C. was explained by this Court in *Podda Narayana & Ors. v. State of Andhra Pradesh AIR 1975 SC 1252* and it will be useful to reproduce the same.*

*"The proceedings under Section 174 have a very limited scope. The object of the proceedings is merely to ascertain whether a person has died under suspicious circumstances or an unnatural death and if so what is the apparent cause of the death. The question regarding the details as to how the deceased was assaulted or who*

*assaulted him or under what circumstances he was assaulted is foreign to the ambit and scope of the proceedings under Section 174. Neither in practice nor in law was it necessary for the police to mention those details in the inquest report.*

*It is therefore not necessary to enter all the details of the overt acts in the inquest report. Their omission is not sufficient to put the prosecution out of Court."*

10. In view of above analysis, this Court observes that while preparing the inquest report there is no requirement of mentioning the name of the accused who caused the death of the person, whose body is under examination.

11. Considering the aforesaid submissions of learned counsel for the parties and taking into account that it is not in dispute that the presence of the applicant was found at the time of incident at 3:30 P.M. while he was making UPI payment at the shop adjacent to the place of incident, and the incident in question at 5:30 P.M. was seen by several other witnesses who have made specific allegation of firing against the applicant, and there is a recovery of weapon from the applicant allegedly used in the incident in question, which was duly substantiated by conducting a videography as per Section 105 BNSS, and considering the gravity of the offence and role of the applicant, this Court is not inclined to release the applicant on bail, at this stage.

12. Accordingly, the bail application is **rejected**.

**April 2, 2026**  
CS/-

**(Arun Kumar Singh Deshwal,J.)**