



2025:AHC:175463

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10300 of 2025

Nitish Singh Alias Mitthu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abhishek Tiwari, Ambreen Masroor,
Hari Narayan Singh, Sadrul Islam Jafri
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Fourth supplementary affidavit filed by learned counsel for the applicant today is taken on record.
2. Heard Sri N.I. Jafri, learned Senior Counsel assisted by Sri F.I. Jafri, learned counsel for the applicant and Sri R.P. Patel, learned State Law Officer and perused the record.
3. Applicant seeks bail in Case Crime No. 116 of 2025, under Sections 109(1), 115(2), 191(2), 191(3), 190, 324(4), 3(5) of BNS and Section 7 Criminal Law Amendment Act and Section 3/25 of Arms Act, Police Station Robertsganj, District Sonbhadra, during the pendency of trial.
4. As per prosecution story, the police lodged an FIR regarding arsenening, rioting and stone pelting between two parties. None of the parties had instituted any FIR whatsoever.
5. Learned Senior Counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence.
6. Learned Senior Counsel has next stated that the applicant himself sustained gun shot injury on his body, as such he is the victim not the assailant in the instant case.
7. The criminal history assigned to the applicant stands explained. The

applicant is languishing in jail since 04.02.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned State Law Officer has vehemently opposed the bail application.

9. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

11. Let the applicant- **Nitish Singh Alias Mitthu**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant shall not tamper with the evidence during trial.
- ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant shall appear before the trial court on the date fixed.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

September 26, 2025
Sumit S