HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. BAIL APPLICATION No. - 12374 of 2025

Banwari

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Home Deptt. Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sunil Kumar
Counsel for Opposite Party(s)	:	G.A., Rajesh Kumar Agnihotri

Court No. - 16

HON'BLE BRIJ RAJ SINGH, J.

Heard learned counsel for the applicant, Ms. Mamta Pandey, learned A.G.A. for the State and perused the record. Counter affidavit filed by the State is taken on record.

The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 253 of 2025, under Sections- 117(2), 191(3), 190, 103(1), 115(2), 126(2), 191(2) B.N.S., Police Station-Sandana, District-Sitapur.

It has been submitted by learned counsel for the applicant that applicant is innocent and has been falsely implicated in the case. Learned counsel for applicant further submits that the co-accused namely, Savitri has been granted bail by this Court on 01.12.2025 in Criminal Misc. Bail Application No. 11816 of 2025 and case of the applicant stands on identical footing, hence, applicant is also entitled for bail on the ground of parity. It is lastly contended that there is no possibility of the applicant of fleeing away from the judicial process or tampering with the witnesses and in case, the applicant is enlarged on bail, the applicant shall not misuse the liberty of bail. The applicant is in jail since 29.07.2025.

Learned A.G.A has, however, opposed the prayer for grant of bail but he has not disputed the above contention made by the learned counsel for the applicant.

Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

Let applicant- **Banwari** be released on bail in the aforesaid F.I.R./case crime number on his furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned subject to following additional conditions, which are being imposed in the interest of justice:-

(1) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(2) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(3) The applicant will not tamper with the prosecution witnesses.

(4) The applicant will not indulge in any illegal activities during the period of bail.

(5) In case of breach of any of the above conditions, the trial court would be at liberty to cancel the bail of the applicant.

(Brij Raj Singh,J.)

December 17, 2025
Mohit Singh/-

Digitally signed by :-
MOHIT SINGH
High Court of Judicature at Allahabad,
Lucknow Bench