2026:AHC:188712

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31638 of 2026

Shri Aatif

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Diwan Saifullah Khan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

(Sr. No.7 out of 172 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Diwan Saifullah Khan, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.225 of 2026, under Sections 352, 191(2), 191(3), 103(1), 190 BNS, Police Station Khora, District Ghaziabad, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The applicant is not named in the FIR. The FIR does not mention the name of any unknown person either. The name of the applicant surfaced subsequently in an application moved by the informant before the police on the same day, after the institution of the FIR. The said application is hit by Section 182 of the B.N.S.S. and, therefore, cannot be taken into consideration.

5. Learned counsel for the applicant has further argued that even otherwise, the allegations made in the said application are vague, and the applicant is stated to have been a member of the said unlawful assembly only. No overt act has been assigned to him. The overt act, if any, has been specifically attributed to co-accused Asad. The applicant has no criminal history and is

in jail since 1.6.2026. He undertakes to cooperate with the trial and not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that applicant is not named in the FIR coupled with the fact that no overt act has been assigned to him, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

8. Let the applicant- **Shri Aatif**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

September 9, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad