2026:AHC:186834

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31426 of 2026

Brijesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Piyush Kumar Shukla, Saurabh Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State and perused the record.

2. The applicant is involved in Case Crime No.171 of 2025, under Sections 3(5), 61(2), 309(6) and 317 (2) B.N.S., Police Station Baruwasagar, District Jhansi.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. It is next submitted that the applicant is not named in the FIR and his name came into the light during the course of investigation. It is further submitted that a false recovery has been shown from the possession of the applicant. There is no independent public witness of the alleged recovery. It is also submitted that applicant is having no concern with the allegations levelled against him and he has not committed any offence as alleged by prosecution. It is next submitted that the co-accused Vijay Pratap @ Sanee Rajawat, Kapi Patel and Vinay Panchal have already been granted bail by this Court vide orders dated 09.09.2025, 06.011.2025 and 15.11.2025 passed in Criminal Misc. Bail Application Nos. 30696 of 2025, 36323 of 2025 36256 of 2025. The applicant's case is identical to the co-accused and he is also entitled to bail on the ground of parity. The applicant has criminal history of three cases, which has been explained in paragraph no.20 of the affidavit filed in support of the bail application. The applicant is in jail since 09.07.2025. Learned counsel for the applicant has further submitted

that if the applicant is released on bail, the applicant would not misuse liberty of bail and is ready to co-operate in the trial.

4. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid fact as argued by learned counsel for the applicant.

5. Considering the submission of learned counsel for the parties, facts of the case, nature of allegation and period of custody, gravity of offence, without expressing any opinion on the merits of the case, the Court is of the opinion that it is a fit case for bail. Hence, the bail application is hereby **allowed**.

6. Let the applicant -**Brijesh Kumar** involved in the aforesaid case be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

(i). The applicant will not tamper with the evidence during the trial.

(ii). The applicant will not pressurize/ intimidate the prosecution witness.

(iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

(Jai Prakash Tiwari,J.)

September 8, 2026
S.K.

Digitally signed by :-
SWEETY KANOJIA
High Court of Judicature at Allahabad