



2026:AHC:209143

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34236 of 2026

Kaushendra Harsana

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sudhanshu Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sr. No.1 out of 190)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Sudhanshu Kumar Singh, learned counsel for the applicant, Sri Anit Kumar Shukla, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.459 of 2026, under Sections 109(1) BNS and 3/25/27 of Arms Act, Police Station Shikohabad, District Firozabad, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 18.8.2026 in Criminal Misc. Bail Application No.29049 of 2026 and the following order was passed:-

"1. List has been revised.

2. Heard Sri Jetendra Kumar Pandey, learned counsel for applicant, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Rajendra Prasad Singh, learned State Law Officer for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Case Crime No.459 of 2026, under Section 109(1) BNS and Section 3/25/27

Arms Act, Police Station Shikohabad, District Firozabad with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated the applicant has been falsely implicated in the present case and he has nothing to do with the said offence. A false recovery of Rs.2 lakh has been shown from the applicant, as such, he is entitled to bail. The criminal history assigned to the applicant has been explained. The applicant is in jail since 20.6.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned Additional Advocate General has vehemently opposed the bail application on the ground that the applicant has a criminal history of 16 cases, out of which one remains unexplained, as he has not filed any order in Case Crime No. 405 of 2019, under Sections 323, 525, 504 and 506 I.P.C., Police Station Hasanpur, District Amroha. As such, the applicant is not entitled to bail.

6. After hearing learned counsel for the parties and taking into consideration the fact that there is no proper explanation of at least one case mentioned in the criminal history of the applicant, I do not find it a fit case for grant of bail to the applicant.

7. The bail application is found devoid of merits and is, accordingly, rejected.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

9. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial."

5. Learned counsel for the applicant has stated that the first bail application of the applicant was rejected only on account of non-explanation of criminal antecedents of the applicant. The criminal history assigned to the applicant has now been explained vide supplementary affidavit filed today in Court, as

such, the applicant is entitled to bail. A false recovery of Rs.2 lakh has been foisted on the applicant. The applicant is languishing in jail since 20.6.2026, and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record coupled with the fact that criminal history assigned to the applicant stands explained, 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**.

8. Let the applicant- **Kaushendra Harsana**, 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.)

October 6, 2026

Vikas Verma