



2026:AHC:208087

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 35272 of 2026

Pancham Gond

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajkapoor Upadhyay
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68
(Sr. No.43 out of 278)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rajkapoor Upadhyay, learned counsel for the applicant, Ms. Ifrah Islam, learned State Law Officer for the State and perused the material placed on record.
3. By means of the present bail application, the applicant seeks bail in Case Crime No.319 of 2026, Under Sections 2(b)(i), 2(b)(xi) and 3(1) of U.P. Gangsters & Anti-Social Activities (Prevention) Act, 1986, Police Station - Shahpur, District - Gorakhpur, during pendency of trial.
4. It is argued by the learned counsel for the applicant that the prosecution under the Gangsters Act have been launched against the applicant on the basis of twenty eight criminal cases shown in the gang chart in which he has already been enlarged on bail by the court concerned. The details of criminal cases have been mentioned in the affidavit accompanying the bail application. He has been falsely implicated in the present case due to police rivalry. He is not the member of any gang. The criminal history assigned to the applicant stands explained. The applicant is languishing in jail since 09.07.2026. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. At the very outset, learned State Law Officer has submitted that the criminal history assigned to the applicant has not been properly explained, as the bail orders in Case Crime No.211 of 2025, Under Sections 318(4)

B.N.S., Police Station Paniyara, District Maharajganj, Case Crime No.26 of 2019, Under Sections 380, 457, I.P.C., Police Station Ramgarhtal, District Gorakhpur, Case Crime No.152 of 2026, Under Sections 103(1), 61(2), 191(2), 191(3), 190, 315, 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023, Police Station Gauri Bazar, District Deoria, Case Crime No.523 of 2018, Under Sections 380, 411, 457 I.P.C., Police Station Khorabar, District Gorakhpur, and Case Crime No.592 of 2019, Under Sections 454, 380, 511 L.P.C., Police Station Cantt, District Gorakhpur, have not been brought on record. It is, thus, submitted that the applicant is not entitled to bail.

6. In rebuttal, learned counsel for the applicant has submitted that as far as Case Crime No.152 of 2026, Under Sections 103(1), 61(2), 191(2), 191(3), 190, 315, 351(3), 3(5) of Bhartiya Nyaya Sanhita, 2023, Police Station Gauri Bazar, District Deoria, is concerned, the applicant was granted bail on 18.09.2026 by this Court.

7. Considering the submissions advanced by learned counsel for the parties and the material available on record, this Court finds that, in view of the unexplained criminal history of the applicant, the twin conditions prescribed under Section 19(4) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986 are not satisfied. Accordingly, this Court is not satisfied that the applicant has made out a case for grant of bail.

8. The bail application is, accordingly, ***rejected***.

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

10. It is clarified that the observations made herein are confined to the consideration of the present bail application and shall not affect the merits of the case during trial.

(Krishan Pahal,J.)

October 5, 2026
(Ravi Kant)