2026:AHC-LKO:40049

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. BAIL APPLICATION No. - 10934 of 2025

Rakesh

.....Applicant(s)

Versus

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

.....Opposite Party(s)

Counsel for Applicant(s)	:	Arvind Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

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

2. This is first bail application filed on behalf of the applicant who is involved in Crime No. 577 of 2025, under Sections 318(4), 319(2), 338, 336(3), 340(2), 61(2) of the B.N.S.(corresponding Sections 420, 419, 467, 468, 471, 120B I.P.C.), police station Kotwali Nagar, district Gonda.

3. Learned counsel for the applicant submits that the applicant is innocent and has falsely been implicated in the present case. The allegations levelled against the applicant are false and frivolous. Learned counsel further submits that the co-accused namely Shiv Kumar has already been granted bail by this Court in Crl. Misc. Bail Application No. 11293 of 2025 vide order dated 18.3.2026. Learned counsel submits that the role of applicant is similar to that of co-accused Shiv Kumar who has been granted bail by this Court. It is further submitted that the applicant is entitled to the benefit of parity with the said co-accused.

4. Learned counsel for the applicant submits that the applicant is in jail since 1.8..2025 and he has no criminal history. Learned counsel also submits that in case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

5.Learned A.G.A. has opposed the prayer for bail. However, he could not

dispute the fact that the co-accused, having a similar role, has already been granted bail by this Court.

6. Having considered the submissions of learned counsel for the parties, the fact that the co-accused whose role is similar to that of the applicant has been granted bail, the applicant is languishing in jail since 1.8.2025 and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail.

8. Accordingly, the bail application is **allowed**.

9. Let the applicant Rakesh involved in Crime No. 577 of 2025, under Sections 318(4), 319(2), 338, 336(3), 340(2), 61(2) of the B.N.S.(corresponding Sections 420, 419, 467, 468, 471, 120B I.P.C.), police station Kotwali Nagar, district Gonda be released on bail on his furnishing a personal bond and two sureties in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

(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 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.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) 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 in accordance with law.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 B.N.S.S. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 209 of B.N.S.

10. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

(Zafeer Ahmad,J.)

June 3, 2026
kanhaiya

Digitally signed by :-
KANHAIYA KUMAR
High Court of Judicature at Allahabad,
Lucknow Bench