2026:AHC:229114

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5690 of 2026

Durgesh Kumar Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashwani Kumar Yadav
Counsel for Opposite Party(s)	:	Ajeet Kumar Singh, G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Parmershwar Kumar Chaudhary, Advocate holding brief of Sri Ashwani Kumar Yadav, learned counsel for the applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.211 of 2025, under Sections 115(2), 352, 124(1), 3(5), 103/1 B.N.S., Police Station Bansdih, District Ballia, 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. He is stated to have been present in Odisha at the time of the alleged incident, as is reflected in the statement of the victim recorded under Section 180 of the B.N.S.S., which may be treated as a dying declaration, as the deceased subsequently succumbed to the said injuries. However, learned counsel has stated that only the allegation of conspiracy has been levelled against the applicant, but there is no evidence of any meeting of minds between the applicant and the co-accused person. The applicant has no criminal history and has been in jail since 11.09.2025. He undertakes to cooperate with the trial and not to misuse the liberty of bail.

5. 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.

6. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, 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**.

7. Let the applicant- **Durgesh Kumar Pandey**, 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.

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

9. Notice sent to the other co-accused Santosh Yadav is dispensed with.

(Krishan Pahal,J.)

November 2, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad