2026:AHC:207930

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30216 of 2026

Hardev

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mithilesh Kumar Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 473 of 2026, under Sections 310(3), 317(3) B.N.S., Police Station- Bahedi, District- Bareilly during pendency of the trial.

3. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the present case. The name of the applicant was disclosed by co-accused namely Vikas, Saurabh, Sachin and Lalit while in police custody. The said statements, insofar as they implicate, are unreliable. No recovery of any incriminating article has been made from the applicant. No test identification parade was got conducted by the police authorities. The co-accused Vikas has been granted bail by this court vide order dated 8.9.2026 passed in Criminal Misc. Bail Application No. 31454 of 2026 (Vikas vs. State of U.P.). The applicant is in jail since 1.7.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first

information report. The name of the applicant was disclosed by co-accused namely Vikas, Saurabh, Sachin and Lalit while in police custody. No test identification parade was got conducted by the police authorities. The co-accused Vikas has been granted bail by this court. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than three months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

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

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

October 5, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad