2026:AHC:207254

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33236 of 2026

Dashrath Chauhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Preetpal Singh, Nishtha Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Preetpal Singh Rathore and Ms. Nishtha Tripathi, learned counsels for the applicant and Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 14.08.2025 passed in Criminal Misc. Bail Application No. 25400 of 2025 (Dashrath Chauhan Vs. State of U.P.).

4. This bail application under Section 483 of B.N.S.S. has been filed by the applicant- **Dashrath Chauhan**, seeking enlargement on bail during trial in connection with Case Crime No. 71 of 2025, under Section 70(1) B.N.S., Police Station Khesharaha, District Siddharth Nagar.

5. Learned counsel for the applicant submits that the trial in the present matter has started in which the first informant / victim has been examined as P.W.-1 and Smt. Subhadra the sister of the victim / first informant has been examined as P.W.-2 and both the said witnesses have not supported the prosecution case and have been declared hostile by the trial court, the copy of the said statements have been placed before the Court which are annexed as Annexure-8 to the affidavit. It is submitted that thus the implication of the applicant in the present mater is without any credible evidence. It is submitted that co-accused Arvind Singh @ Lalla has been granted bail by a co-ordinate Bench of this Court vide order dated 30.07.2026 passed in

Criminal Misc. Bail Application No. 38080 of 2025 (Arvind Singh @ Lalla Vs. State of U.P.), the copy of the said order has been produced before the Court which is taken on record. The applicant has no criminal history as stated in para 19 of the affidavit and is in jail since 03.05.2025.

6. *Per contra*, learned counsel for the State opposed the prayer for bail but could not dispute the submissions as aforesaid.

7. After having heard learned counsel for the parties and perusing the record, it is evident that this is second bail application of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 14.08.2025. The trial in the present matter has started in which the first informant / victim and Smt. Subhadra the sister of the victim / first informant have been examined as P.W.-1 and P.W.-2 respectively. Both the said witnesses have not supported the prosecution case and have been declared hostile by the trial court. Co-accused Arvind Singh @ Lalla has been granted bail.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant- **Dashrath Chauhan**, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each 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 prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

(ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. 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., 2023 may be issued and if 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 B.N.S., 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 B.N.S.S., 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law and the trial court may proceed against him under Section 269 B.N.S., 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

10. The identity, status and residential proof of sureties will be verified by court concerned and in case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail and send the applicant to prison.

11. The bail application is **allowed**.

12. Pending application (s), if any, shall stand disposed of.

October 5, 2026
AS Rathore

(Samit Gopal,J.)

Digitally signed by :-
ABHISHEK SINGH RATHOR
High Court of Judicature at Allahabad