2026:AHC:208722

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35525 of 2026

Choti Kinnar @ Kishan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Mohd Zubair Khan, Pooja Prakash, Vijay Prakash Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Mohd. Zubair Khan, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Choti Kinnar @ Kishan** to enlarge the accused/applicant on bail in Case Crime No. 62 of 2026, under Sections 308(5) & 351(3) BNS, P.S.- Pipari, District- Sonbhadra, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant and informant both are transgender. There is consistent criminal case against each other. The FIR dated 04.04.2026 is highly delayed without any explanation as the incident is of 28.02.2026 with the allegation that the accused/applicant and other co-accused had extorted money from the informant by putting under the fear of death. There is no injury sustained to the informant. The accused/applicant has criminal history of four cases, which is being invoked by the informant himself. There is dispute of the area, which is the basis of FIRs. The charge sheet is submitted. The accused applicant is languishing in jail since 07.04.2026. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. Considering the apparent delay in lodging the FIR and it is a no injury case, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

October 6, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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