HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39215 of 2025

Pawan

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ajay Kumar Sharma, Anjani Kumar Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.

2. Heard Sri Manish Dev Srivastava, learned Advocate holding brief of Sri Ajay Kumar Sharma, learned counsel for the applicant and Sri Ashutosh Singh, learned AGA for the State.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 148 of 2025, under Sections 103(1), 352 BNS, Police Station Talgram, District Kannauj during pendency of the trial.

4. Learned counsel for the applicant submits, however, applicant is named in the FIR along with co-accused Aman and as per FIR applicant and co-accused Aman made assault due to which deceased sustained injuries and died but entire allegation leveled against applicant is totally false.

5. He further submits, only general role has been assigned to both the accused and no specific weapon has been assigned either to applicant or to the co-accused.

6. He further submits, co-accused Aman has been released on bail by the co-ordinate Bench of this Court after considering the entire facts of the case in detail and his bail order has been annexed at page-17 of the supplementary affidavit filed in support of instant bail application and on facts case of applicant is at par with him.

7. He further submits, applicant is not having any criminal history and in the

present matter he is in jail since 03.06.2025 i.e. for last more than sixteen months.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

9. I have heard learned counsel for the parties and perused the record of the case.

10. However, applicant is named in the FIR along with co-accused Aman but only general role has been assigned to both the accused and co-accused Aman has been released on bail by the co-ordinate Bench of this Court with a very detailed order and case of applicant is at par with him.

11. The Apex Court in the case of ***Satender Kumar Antil Vs. CBI & another (2022) 10 SCC 51*** in paragraph no. 98 has observed that:-

"Uniformity and certainty in the decisions of the court are the foundations of judicial dispensation. Persons accused with same offence shall never be treated differently either by the same court or by the same or different courts. Such an action though by an exercise of discretion despite being a judicial one would be a grave affront to Articles 14 and 15 of the Constitution of India."

12. Further, applicant is not having any criminal history and in the present matter he is in jail since 03.06.2025 i.e. for last more than sixteen months.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

15. Let the applicant - Pawan 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 27, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad