2026:AHC:211018

HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 43459 of 2026

Ankit @ Shyam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Jigyasha Tripathi, Surendra Kumar Tripathi

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

Court No. - 76

HON'BLE SAURABH SRIVASTAVA, J.

1. Heard learned counsel for the parties.

2. Present application has been preferred with prayer to direct the learned court below to take only two sureties of the applicant who has been implicated in six cases.

3. At the very outset, learned counsel for applicant sought the direction of this Court in shape of instructing the trial court to permit common sureties for all six cases bearing Case Crime nos. 44 of 2026, 47 of 2026, 07 of 2026, 21 of 2026, 16 of 2026 and 38 of 2026 wherein, applicant has already been enlarged on bail.

4. Per contra, learned AGA vehemently opposed the prayer sought through the instant application.

5. During the course of argument a precise query has been raised before learned counsel for applicant that whether applicant has ever preferred the bail bond in pursuance to the aforesaid cases wherein he has been enlarged on bail and if so, whether there is a specific denial from learned trial court in shape of asking separate sureties for separate cases. In response to the query, learned counsel for applicant fairly submitted that applicant never preferred any bail bond in pursuance to any of aforesaid cases in which he has been enlarged on bail and there is no specific denial from learned trial court concerned.

6. In view of aforementioned discussions and after perusing the records, this Court finds that no prejudice has been caused to the applicant as applicant never intended to prefer bail bonds in pursuance to first bail order dated 20.4.2026 passed by learned court concerned, although thereafter till 23.9.2026 applicant has already been extended bail in consecutive 6 cases but at no point of time he intended to prefer bail bonds and as such there is hardly any denial available in record with regard to common surety in each and ever bail bond. Hence, no cause of action arises in favour of applicant to pursue the instant application. Prayer sought through instant application is hereby **refused**.

7. However, it is made clear that applicant is hereby directed to prefer bail bond/application within 15 days and submit the same prayer before learned court concerned in light of judgement rendered by Hon'ble Apex Court in case of **Hani Nishad @ Mohammad Imran @ Vikky Vs. State of U.P.**, decided on 29.10.2018 in Petition(s) for Special Leave to Appeal (Crl.) No. 8914-8915 of 2018 which shall be considered by learned trial court in accordance with law laid down in case of **Hani Nishad (supra)**.

8. The instant application stands **disposed of** accordingly.

(Saurabh Srivastava,J.)

October 7, 2026
Shaswat

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