**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 37425 of 2026**

Nitish Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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|---|---|---|
| Counsel for Applicant(s) | : | Priti Singh |
| Counsel for Opposite Party(s) | : | G.A. |

**Court No. - 69**

**HON'BLE AVNISH SAXENA, J.**

1. Heard Ms. Priti Singh, learned counsel for accused applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the applicant accused-**Nitish Singh** to enlarge him on bail in Case Crime No. 401 of 2026, under Sections 112(2), 318(4), 61(2) of BNS, P.S.- Shahpur, District-Gorakhpur during the pendency of trial.

3. It is the contention of learned counsel for accused applicant that the accused applicant has been falsely implicated in FIR dated 20.8.2026 lodged by the police against five named persons including the accused applicant with the allegation that accused persons were in the business of online gaming and by online gaming, they duped the persons. The arrest and recovery has been made on the basis of tip off by police informer. There is no incriminating material collected during investigation. Four persons, whose statements, have been recorded are Nageshwar, Muskan, Ravi and Deepak, who had stated that at the behest of accused persons, they have opened their accounts. It is further contended that there is no credit in those accounts. The statement of none of the victim has been recorded. The arrest and recovery has been made in absence of the independent witness. The investigation is still continuing. He is co-operating in the investigation. There is no incriminating material recovered even from the mobile phone and laptop recovered by the police. The applicant has no criminal history. The applicant is languishing in jail

since 20.8.2026. He seeks enlargement of accused on bail.

4. Learned A.G.A. has opposed the bail application.

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

6. Considering that the arrest and recovery has been made in absence of the independent witness; there is no implicating material recovered so far, which connect the accused applicant with the crime, the accused applicant is entitled to be enlarged 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.

**(Avnish Saxena,J.)**

**October 28, 2026**
Krishna*

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