2026:AHC:237172

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37161 of 2026

Vikas Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Istiyaq Ali, Ram Chandra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 36

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1.This is the second bail application.

2. Heard Sri Istiyaq Ali, learned counsel for the applicant and Sri Alok Sharma, learned A.G.A. 1st and perused the record.

3. Applicant has approached this Court for bail in Case Crime No.334 of 2022 under Sections 302/34, 120-B, 420, 467, 468, 471 IPC, Police Station- Badlapur, District-Jaunpur.

4. First bail application of the applicant was rejected vide an order dated 24.4.2024 on following grounds:

> *"(a). name of present applicant and other co-accused was disclosed within a short period after lodgement of FIR where other persons were named;*
>
> *(b). prosecution has collected evidence which includes eye witness account who has not only fixed presence of applicant at the place of occurrence but specific role of firing is also assigned to him;*
>
> *(c). eye witness account cannot be disbelieved at this stage only on ground that it was recorded after few days of occurrence;*
>
> *(d). there is a motive with co-accused who was not happy with deceased and applicant being closely associated with co-accused has participated actively in crime;*
>
> *(e). present status of trial is not on record, therefore, considering nature of allegations, period of detention of 1 year and 4 months is not a prolong detention.*
>
> *8. Accordingly, bail application is **rejected**."*

5. Applicant is in jail since 15.12.2022 i.e. about 3 years and 11 months and has filed the present second bail application mainly seeking parity of an order dated 18.9.2026, passed in Criminal Misc. Bail Application No.14397 of 2025, whereby similarly situated co-accused Udit Sharma was granted bail and learned counsel for the applicant refers paragraph 7 of the said order whereby reasons were assigned to grant bail to him. For reference, relevant part of it is reproduced hereinafter:

> *" 7. Considering the aforesaid submission and taking into account that it is not in dispute that the alleged eyewitness PW-2 and PW-3 did not support the prosecution story during the trial and presence of PW-1 is doubtful and recording the statement of PW-4 after more than one month itself creates doubt as well as considering the fact that while rejecting the bail application of the co-accused Vikas Sharma, the statements of PW-1, PW-2, PW-3 and PW-4 were not on record and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of* ***Kapil Wadhawan vs Central Bureau of Investigation*** *reported in* ***2025 SCC OnLine SC 3038*** *as well as guideline of this Court in the case of* ***Maya Tiwari Vs. State of U.P.*** *reported in* ***2024 SCC Online All 6765*** *regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is* ***allowed****."*

6. Per contra, learned A.G.A. 1st has opposed the bail application by submitting that trial is progressing and there is are eye witnesses account, however, the factum that co-accused Udit Sharma has been granted bail by a reasoned order has not been denied.

7. According to status report dated 3.11.2026, out of proposed 18 prosecution witnesses, 5 have been examined, therefore, material witnesses i.e. alleged eye witnesses have already deposed before Trial Court and from the record Court finds that reason assigned by co-ordinate Bench while granting bail to co-accused as referred above are sufficient to grant bail to the applicant on the ground of parity since alleged role assigned to the applicant is similar to the role allegedly assigned to co-accused Udit Sharma, accordingly a case of bail is made out.

8. Let the applicant-**Vikas Sharma**, 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 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.

(iii) 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 82 Cr.P.C., 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 174-A I.P.C.

(iv) The Trial Court may make all possible efforts/endeavour and try to conclude the trial expeditiously, preferably within a period of six months after release of the applicant, if there is no other legal impediment.

(v) Applicant has to appear on each and every date before learned Trial Court and any application for exemption of his appearance on vague ground could be a ground for cancellation of bail by learned Trial Court without even issuing notice.

9. 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.

10. The bail application is allowed.

11. It is made clear that the observations made hereinabove are only for the purpose of adjudicating the present bail application.

November 19, 2026
SB

(Saurabh Shyam Shamshery,J.)

Digitally signed by :-
SANDEEP BHATTACHARYA
High Court of Judicature at Allahabad