HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38101 of 2026

Rajan Vishwakarma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sheetendra Kumar Mishra, Sr. Advocate, Vikrant Pratap Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard Sri Umesh Vats, learned Senior Advocate assisted by Sri Vikrant Pratap Singh, learned counsel for the applicant as well as Sri S. S. Pandey, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.301 of 2026, under Sections 319(2), 318(4), 111(2)(b), 317(4), 115(2), 351(3), 352 B.N.S., Police Station Baradah, District Azamgarh, during pendency of the trial.

3. Learned counsel for the applicant contends that the applicant was not named in the first information report. It is contended that on the basis of information furnished by the informer, the applicant was arrested along with five other co-accused and has been falsely implicated in the present case. False recovery of Indian Currency of Rs.2600/- and a mobile phone has been shown from the applicant. There is no independent witness to the alleged recovery. The recovered Indian currency and mobile phone do not link the applicant with the offence. No test identification parade was got conducted by the police authorities. Except the confession of the applicant, while in police custody, there is no corroborative evidence against the applicant. It is next contended that the applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. The applicant is in jail since 11.09.2026 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. The applicant was arrested along with five other co-

accused persons on the information furnished by the informer. There is no independent witness to the alleged recovery. Further, the applicant has no criminal antecedents and has remained confined for more than a month and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant **Rajan Vishwakarma**, involved in the aforesaid case crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

October 27, 2026
Abhishek

(Vivek Varma, J.)

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