2026:AHC:227120

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38092 of 2026

Pankaj Bharti

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Khurshed Alam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Khurshed Alam, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 64 of 2026, under Sections 190 BNS, Police Station Surauli, District Deoria during pendency of the trial.

3. Learned counsel for the applicant submits, in the instant matter with a very detailed order applicant was enlarged on bail vide order dated 28.09.2026 passed in Criminal Misc. Bail Application No. 29565 of 2026, which has been annexed at page-67 of the paper-book but at that time his bail application could not be dismissed for offence punishable under Section 190 BNS and after the order passed by this Court when this fact was revealed to the applicant then he moved his bail application before the court concerned for offence punishable under Section 190 BNS but court concerned dismissed his bail application.

4. He further submits, as earlier with a very detailed order after considering the entire facts of the case in detail applicant has already been enlarged on bail, therefore, applicant should also be enlarged on bail for offence punishable under Section 190 BNS.

5. He further submits, therefore, considering the facts of the case, the instant bail application may be allowed.

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

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

8. It reflects, on 28.09.2026 applicant has been enlarged on bail in the instant matter for offences punishable under Section 103(1), 238 BNS but it further reflects, due to

mistake earlier he could not move his bail application for offence under Section 190 BNS.

9. Considering the fact that earlier with a very detailed order after considering the entire facts of the case applicant was enlarged on bail, in considered view of this Court, applicant is also entitled to be released on bail for offence punishable under Section 190 BNS.

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

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

12. Let the applicant - Pankaj Bharti 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.

13. 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.

14. 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.

November 2, 2026
AK Pandey

(Sameer Jain,J.)

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