



2026:AHC:162170

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26898 of 2026**

Bheem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Vishveshwar Mani Tripathi
Counsel for Opposite Party(s)	: G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri N. K. Sharma, learned AGA for the State-respondent.
2. The present bail application under Section 483 BNSS has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 417 of 2025, under Sections 305, 317(2), 331(4), 111(4), 111(6) BNS, Police Station Gola, District Gorakhpur during the pendency of trial.
3. Counsel for the applicants submits that the applicant was not named in the first information report. The applicant was arrested in Case Crime No. 272 of 2025, under Sections 305, 331(4), 317(2), 111(4), 111(6), 111(7), 62(2), 317(4) BNS, Case Crime No. 325 of 2025, under Sections 303(2), 331(4), 317(2), 111(4), 111(6), 111(7), 62(2), 317(4) BNS and has been falsely implicated in the present case. Except the confession of the applicant in police custody, there is no corroborative evidence to link the applicant with the offence. No recovery of any incriminating article has been made from the applicant. Identically placed co-accused, Irfan, Taufiq @ Chand Ali and Mukesh @ Khudbud have already been granted bail by this Court vide orders dated 24.03.2026 and 04.06.2026 passed in Criminal Misc. Bail Application No. 9909 of 2026 and Criminal Misc. Bail Application No.17298 of 2026, respectively. The applicant claims parity. Criminal history of the applicant has been explained in para 17 of the affidavit. The applicant is in jail since 10.09.2025 and in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA has opposed the prayer for bail. He submits that the

applicant has criminal antecedents.

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 in Case Crime Nos. 272 of 2025 and 325 of 2025 and has been implicated in the present case. Except the confession of the applicant in police custody, there is no corroborative evidence to link the applicant with the offence. No recovery of any incriminating article has been made from the applicant.

6. In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. The State has also not placed any material that applicant in past attempted to evade the process of law. In the opinion of this Court, if the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

7. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

8. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

9. Further, the applicant has remained confined for more than ten months, there is no hope of early conclusion of trial and without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

10. Let the applicant **Bheem**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two heavy sureties (in view of

criminal history) 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.

(iv) shall mark his presence at the concerned police station on first Sunday of every month between 11:00 am to 12:00 noon.

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

August 4, 2026
Abhishek

(Vivek Varma, J.)