



2026:AHC:163168

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27216 of 2026

Parvez And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Santosh Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard counsel for the applicants and Sri N.K. Sharma, learned A.G.A. for the State. Perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 417 of 2025, under Sections 305, 317(2), 331(4), 111(4), 111(6) B.N.S., Police Station- Gola, District- Gorakhpur during pendency of the trial.

3. Counsel for the applicants submits that the applicants were not named in the first information report. The applicants were arrested on 10.9.2025 along with other co-accused and have been falsely implicated in the present case. False recovery of a country made pistol has been shown from the personal possession of applicant no.2. No recovery was made from the applicant no.1. False recovery has been shown from a pick-up van. There is no independent witness to the alleged recovery. At this stage, there is no corroborative evidence to link the applicants with the offence. It is next contended that the applicants are neither members of any organized crime syndicate nor they acted on behalf of such syndicate. The co-accused Mukesh @ Khudbud has been granted bail by this Court vide order dated 4.6.2026 passed in Criminal Misc. Bail Application No. 17248 of 2026. The criminal history of the applicants has been explained in para 21 of the affidavit. The applicants are in jail since 10.9.2026 and in case they are enlarged on bail, they will not misuse the said liberty.

4. Learned A.G.A. for the State opposed the prayer for bail. He submits that

the applicants have criminal antecedents.

5. After hearing the rival contentions, this Court prima facie finds that the applicant were not named in the first information report. There is no independent witness to the alleged recovery. At this stage, there is no corroborative evidence to link the applicants with the offence. The co-accused Mukesh @ Khudbud has been granted bail by this Court.

6. In so far as criminal antecedents of the applicants are concerned, it is not the case of the State that applicants might tamper with or otherwise adversely influence the investigation, or that they might intimidate witnesses before or during the trial. The State has also not placed any cogent material that applicants 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 applicants just on the ground that they had criminal antecedents.

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. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. Learned A.G.A. for the State has not shown any material or circumstances that the accused/applicants are not entitled to bail in larger interest of the public or State.

10. Further, the applicants have 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 applicants are entitled to be enlarged on bail.

11. Let the applicants- **Parvez** and **Afroz**, involved in the aforesaid case be released on bail on their 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 conditions that they:

(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 and

(iv) **shall mark their presence at the concerned police station on 1st Sunday of every month between 03.00 p.m. to 05.00 p.m.**

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

(Vivek Varma,J.)

August 5, 2026

S.S.