



2026:AHC-LKO:41039

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4431 of 2026

Suraj Nishad And 2 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt.
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vikas Yadav, Shivam Srivastava,
Suryansh Pandey
Counsel for Opposite Party(s): G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicants, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed by the applicants in F.I.R. No. 01 of 2026 under Sections 2/3(1) of U.P. Gangsters and Anti-Social Activities (Prevention) Act, 1986, Police Station- Kudwar, District- Sultanpur, with the prayer to enlarge them on bail.
3. Submission of learned counsel for the applicants is that the applicants are innocent persons and have been falsely implicated in the present case. It is further submitted on behalf of applicants that it is undisputed that one case has been shown in the gang chart and in the said case, the applicants are on bail. The co-accused Fagulal @ Fagulal Nishad has already been granted bail vide order dated 20.05.2026 by this Court in Crl. Misc. Bail Application No. 3643 of 2026. Learned counsel for the applicants also submits that the applicants undertake that they will not involve in any activity, which is against the law. It is, thus, submitted that the applicants are entitled for bail. It is also submitted that in case of being enlarged on bail, they will not misuse the liberty of bail.
4. Learned A.G.A. opposes the prayer for grant of bail, but fairly concedes that in the case mentioned in the gang chart, applicants are on bail and the co-accused Fagulal @ Fagulal Nishad has already been granted bail.

5. Considering the submissions of learned counsel for parties and going through the record as also in view of the statement made by the learned counsel appearing on behalf of the applicant that the applicant will not involve in any activity, which is against the law, the twin conditions contained under Section 19 (4) of the U.P. Gangsters and Anti-Social Activities (Prevention) Act stand satisfied.

6. In view of above, this Court is of the view that the applicant is entitled to be released on bail.

7. Let applicants - **Suraj Nishad, Sukhlal @ Bhate and Sohanlal** be released on bail in F.I.R. No. 01 of 2026, on their furnishing personal bond and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicants shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(ii) The applicants shall not directly or indirectly make any 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 to any police office or tamper with the evidence.

(iii) The applicants shall file an undertaking to the effect that they 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.

(iv) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A I.P.C./269 B.N.S.

(v) In case, the applicants misuse the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./84 B.N.S.S. may be issued and if applicants fail 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./209 B.N.S.

(vi) The applicants shall remain present, in person, before the trial court on dates fixed for (a) opening of the case, (b) framing of charge;

and (c) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the trial court, absence of the applicants are deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

8. Any violation of above conditions will be treated misuse of bail and learned Court below will be at liberty to pass appropriate order in the matter regarding cancellation of bail.

9. With above directions, the bail application is ***allowed***.

June 12, 2026
Arpan

(Rajeev Singh,J.)