



2026:AHC:175365

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 3890 of 2026**

Kailash Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Vinay Bhushan Upadhyay, Vivek  
Kumar Pandey  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 65**

**HON'BLE SAMEER JAIN, J.**

1. Heard Sri Vinay Bhushan Upadhyay, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.13 of 2025, under Sections 103(1), 238(B), 3(5) BNS, Police Station Kotwali Dehat, District Banda, during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against co-accused Phool Chandra and his unknown associates but during the investigation on the basis of statement of co-accused Phool Chandra applicant has been made accused in the present matter.
4. He next submits, it is a case of circumstantial evidence and except statement of co-accused and confessional statement of applicant before police there is no cogent evidence against applicant on record.
5. He further argued, however apart from the present case applicant is having criminal history of three other cases including a case under Section 302 IPC i.e case of murder but this case is of the year 2002 and entire criminal history of the applicant has been explained.
6. He next submits, in the present matter applicant is in jail since 02.02.2025 i.e. for last more than one and half year.

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

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

9. It is a case of circumstantial evidence and it reflects, during investigation applicant has been made accused through the statement of co-accused Phool Chandra recorded by the investigating officer and it reflects, except statement of co-accused and confessional statement of applicant before police there is no cogent evidence against applicant on record.

10. Further, however it reflects, apart from the present case applicant is having criminal history of three other cases including a case of murder but this case is of the year 2002 and entire criminal history of the applicant has been explained.

11. Further, in the present matter applicant is in jail since 02.02.2025 i.e. for last more than one and half year.

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

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

14. Let the applicant - **Kailash Nishad** 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.

15. 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.

16. 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.

**(Sameer Jain,J.)**

**August 19, 2026**

Shahroz