



2026:AHC:175526

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 633 of 2026

Sarvesh Mishra @ Kasim Khan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Bishram Tiwari, Sriram Dhar Dubey
Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Heard Sri Bishram Tiwari, learned counsel for the applicant, learned AGA for the State and perused the record.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 891 of 2025, under Sections 316(5), 317(2), 318(4) BNS, Police Station Kotwali Nagar, District Banda, during the pendency of trial.

Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case on the basis of a fabricated and concocted prosecution story. As per the prosecution case, the informant has alleged that three persons, including the present applicant, approached a group of women in connection with Ramnidhi Finance Limited and persuaded them to join the said institution. It is alleged that they represented that a joining fee of Rs. 3,500/- was required and that the women would also be provided health insurance and accidental insurance. They further represented that an amount of Rs. 70,000/- would be credited to the account of each member and that Rs. 3,500/- per month would be deposited for a period of two years. However, no such amount has, admittedly, been credited to the accounts of the alleged victims till date. It is submitted that on the basis of a coined story made by the police, applicant arrested and also shown recovery of Rs. 44,100/- and a mobile from the possession of the applicant. It is further submitted that the applicant has neither received nor taken even a single

penny from any of the alleged victims and no incriminating article has been made from his possession. There is also no independent witness to corroborate the alleged occurrence. At this stage, there is no substantive material on record connecting the applicant with the commission of the alleged offence. It is further submitted that except for the present case, the applicant has no criminal history. The applicant has been languishing in judicial custody since 01.12.2025. Learned counsel further submits that there is no likelihood of the applicant absconding, tampering with the prosecution evidence. The applicant undertakes to cooperate with the trial. It is lastly submitted that, in the event of his release on bail, the applicant shall not misuse the liberty of bail.

Per contra, learned A.G.A. appearing for the State has vehemently opposed the prayer for bail and submitted that the allegations levelled against the applicant are serious in nature. He further submits that the allegations disclose the active involvement of the applicant in the alleged transaction. Therefore, considering the allegations and the material available on record, no case for grant of bail is made out.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of the punishment, the period of incarceration undergone by the applicant since 01.12.2025, and submissions of learned counsel for the parties, this Court is of the view that the applicant is entitled to be enlarged on bail during the pendency of the trial.

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

Let the **applicant-Sarvesh Mishra alias Kasim Khan**, 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.

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.

(Jai Prakash Tiwari,J.)

August 19, 2026

Brijesh