



2026:AHC-LKO:42304

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4749 of 2026

Rajan And Another

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar Nishad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicants, the learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicants with a prayer to release the applicants on bail during the trial in Case Crime No.205 of 2026, under Section 3(1) U.P. Gangster Act & Anti Social Activities (Prevention Act), 1986, P.S.-Mankapur, District -Gonda.

It is contended by learned counsel for the applicants that the applicants are innocent and they have been falsely implicated in the present case. He further submits that four cases have been shown in the gang chart against applicant no.1 and three cases have been shown in the gang chart against applicant no.2 in which they have been enlarged on bail and the copy of the bail orders have been annexed as Annexure Nos.3, 4, 5 & 6 to the bail application. He further submits that except the cases mentioned in the gang chart, there is no criminal history. It has also been submitted that the applicants are not involved in any anti-social activities and they are neither members nor the leader of any gang and they are in jail since 22.5.2026. In case they are granted bail, they will not misuse the liberty and would cooperate in the trial proceedings.

Per contra, learned A.G.A. opposed the prayer of bail but he could not dispute the fact that the applicants have been enlarged on bail and there is no any other criminal history of the applicants except explained aforesaid.

Having heard the learned counsel for the parties and after perusal of record, I find that applicants have been enlarged on bail in the cases mentioned in the gang chart and there is no other criminal antecedents except explained aforesaid, coupled with the fact that they are languishing in jail since 22.5.2026, thus, without commenting on the merits of the case, I find it a fit case for bail.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicants **Rajan and Kanhaiya @ Kanhiyalal** involved in the aforementioned crime be released on bail, on their furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- 1) The applicants shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. they 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 of the Indian Penal Code;
- (3) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and
- (4) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against them, in

accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicants to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 30, 2026

Ram Murti