



2026:AHC-LKO:42353

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1269 of 2026

Pankaj Mishra

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anamika Singh
Counsel for Opposite Party(s)	:	G.A., Arjun Singh Kalhans

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

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

The instant bail application has been filed on behalf of the applicant with a prayer to release him on bail during the trial in Case Crime No.277 of 2024, under Sections 2/3 of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Baghrai, District Pratapgarh.

It is contended by learned counsel for the applicant that the applicant is innocent and has falsely been implicated in the instant matter. He further submits that one case has been depicted in the gang chart against the applicant, in which he has been granted bail. Apart from the aforesaid case there is criminal history of seven cases which has been explained in the affidavit filed in support of the bail application.

It is further submitted that the allegations for disturbing the public order and gaining undue temporal, pecuniary, material or other advantage against the applicant, are vague and concocted. Further submitted that narration of the First Information Report, transpires that the allegations are based upon pending criminal case(s) and

not upon the newly allegation(s) or discovery of fact(s) having serious impact on the society at large, for the reasons, the Act was promulgated 1986. He added that the police is using the provisions of the Act, 1986, as a weapon to harass and intimidate the applicant and further, it also appears that the district administration, in order to show the good work or to seek appreciation from the higher authorities, has invoked the provisions of the Act, which is uncalled for and unjustified.

Adding his arguments, he submits that the applicant is not involved in any anti social activities and he is neither Member nor the Leader of any gang.

It is further submitted that the applicant is languishing in jail since 24.11.2022 and he is not guilty of the offence under the Act 1986 and he undertakes that he would not commit any offence while on bail and would never try to tamper the evidences or would influence the witnesses and would never jump the conditions of bail and would cooperate in the trial proceedings. Therefore, submission is that the applicant is entitled for bail.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid, but, he has fairly conceded that in the case (s) mentioned in the gang chart (cases explained other than the gang chart), the applicant(s), is on bail.

Having heard learned counsel for the parties and after perusal of material placed on record, it transpires that the applicant is languishing in jail since 24.11.2022 and criminal history has been explained and he has undertaken that he would not misuse the liberty of 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 applicant- **Pankaj Mishra** involved in the aforementioned crime be released on bail, on his 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 applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) The applicant 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 applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, 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 applicant 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.

June 30, 2026

mks

(Shree Prakash Singh,J.)