



2026:AHC:129051

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12279 of 2026

Sheshnath Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjay Kumar Pandey
Counsel for Opposite Party(s)	:	G.A., Sanjeev Kumar Singh

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, learned counsel for the informant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 138 of 2026, under Sections 103(2), 191(2), 190, 115(2), 352, 61(2), 3(5) of B.N.S., Police Station- Chiluatal, District- Gorakhpur.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The applicant and co-accused Sandeep Nishad and several other persons were nominated in the F.I.R. During course of investigation, it was submitted that twenty persons had assaulted the injured as well as the deceased by *lathi* and *danda* and no specific role has been assigned to the applicant. It is further submitted that it is alleged by the prosecution that a bamboo stick was recovered on the pointing out of the applicant. The same allegation has been levelled against co-accused Sandeep Nishad. It is further contended that post-mortem report of the deceased reveals that the deceased received two injuries on his body which could have been caused by hard and blunt object and it was not made clear by the prosecution as to who was the author of the said injury. It is further submitted that identically situated co-accused Sandeep Nishad has been granted bail by a co-ordinate Bench of this Court vide order dated 17.04.2026 in CrI. Misc. Bail Application No. 12221 of 2026. The criminal history of the applicant has been well explained in supplementary affidavit.

Learned counsel for applicant further submits that applicant has been languishing in jail since 05.03.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

5. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, explanation of criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

6. Accordingly, the bail application is **allowed**.

7. Let the applicant- **Sheshnath Nishad**, who is involved in the aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall file an undertaking to the effect that he 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.

(ii) The applicant 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 IPC/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., may be issued and if applicant fails 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 IPC/ 209 B.N.S.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./ 351 of B.N.S.S. If in the opinion of the Trial Court absence of the applicant is 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. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 24, 2026

A.P. Pandey