



2026:AHC-LKO:40640

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3877 of 2026

Kishan Kumar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Brijesh Kumar Pandey, Kaushal Kumar
Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Heard learned counsel for the applicant, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.323 of 2025, under Sections 319(2), 318(4), 338, 336(3), 340(2) BNS, Police Station - Kotwali Dehat, District - Balrampur, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submits that the applicant is an innocent person and he is in jail since 12.12.2025. He further submits that applicant has been falsely implicated in the present case with the allegation that the amount of Rs.23,11,94,648/- has been received by the applicant as input tax credit through fabricated company but during the course of investigation, all the bank account of the applicant were examined and no evidence was found against the applicant. He further submits that on the basis of imaginary facts, charge sheet was submitted by the Investigating Officer against the applicant, however, he does not have any criminal antecedent, therefore, applicant may be enlarged on bail. In case of being enlarged on bail, he will not misuse the liberty of bail.
4. Learned A.G.A. has opposed the prayer for grant of bail and submits that charge sheet was submitted by the Investigating Officer

but he does not dispute the fact that no evidence was found against the applicant of receiving input tax credit.

5. Considering the rival submissions of learned counsel for applicant, learned A.G.A., material available on record, contents of F.I.R., other relevant documents, as per the prosecution case, applicant received the input tax credit through fabricated firms, however, prima facie there is no evidence that any amount related to the input tax credit was received by the applicant, therefore, I am of the view that the applicant is entitled to be released on bail.

6. Let applicant - **Kishan Kumar** - be released on bail in aforesaid Case Crime, on his furnishing personal bond of Rs.1,00,000/- and two reliable sureties each of the like amount subject to following conditions:-

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(iii) 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.

(iv) 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 BNS.

(v) 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 BNS, 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 BNS.

(vi) 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 BNS. 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.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

(Rajeev Singh,J.)

June 8, 2026

GauraV/-