



2026:AHC:16388

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44925 of 2025

Aman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Atul Srivastava, Chandra Prakash
Mishra, Manish Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Atul Srivastava & Shri Chandra Prakash Mishra, learned counsel for the applicant, Shri Vijendra Kumar Tripathi, learned AGA for the State and perused the entire material available on record.

This is the second bail application filed by the applicant. The first bail application filed by the present applicant has been rejected by this Court by means of a detailed order dated 25.8.2025 passed in Criminal Misc. Bail Application No. 44558 of 2024, a copy of which has been brought on record as Annexure-1 to the bail application.

The applicant Aman, has filed this second bail application with a prayer to enlarge him on bail in Case Crime No. 283 of 2024, under Sections 140 (1), 333, 324 (4), 115 (2), 191 (@), 103 (1), 238 of the Bharatiya Nyaya Sanhita, 2023, Police Station Kotwali, District Basti, during the pendency of the trial before the Court below.

In support of this second bail application, learned counsel for the applicant has reiterated the entire submissions made in the first bail application, which are not necessary to mention herein again by this Court.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 14.7.2024. Learned counsel for the applicant submits that statement of Rishu Pandey was recorded before the CBCID

wherein he has denied the version as alleged in his earlier statement dated 12.7.2024 recorded under Section 12.7.2024. He further submits that in the CCTV footage, the video was not clear so he was unable to recognize the accused persons. Applicant was not named in the FIR and his name featured in this very case crime number on the basis of statement dated 12.7.2024 of witness Rishu Pandey.

Learned counsel for the applicant submits that statements of PW1 Avinash Singh and PW2 Rishu Pandey have been recorded before the Trial Court and during their examination they have been declared hostile. They have also been cross examined by the learned DGC, but they failed to support the case of prosecution. The applicant has no criminal antecedent and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

Learned AGA has vehemently opposed the prayer for bail.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction, period of incarceration and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, **Aman**, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by

the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 22, 2026
Ravi Prakash