



2026:AHC:21394

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1951 of 2026

Sajid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Abhas Sharma, Rajesh Kumar Sharma
Counsel for Opposite Party(s)	: G.A.

Court No. - 71

HON'BLE NALIN KUMAR SRIVASTAVA, J.

1. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the record.
2. Applicant seeks bail in Case Crime No. 460 of 2024, under Sections 115(2), 3(5), 109, 352, 103(1) of BNS, Police Station - Loni, District - Ghaziabad, during the pendency of trial.
3. It is submitted by learned counsel for the applicant that similarly placed co-accused Salman and Sanu alias Arshad have already been enlarged on bail by this Court vide orders dated 5.1.2026 and 8.1.2026 passed in Criminal Misc. Bail Application Nos. 45322 of 2025 and 43427 of 2025 respectively. It is further submitted that since the case of the applicant is at par to the co-accused persons, who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. It is further submitted that trial in this matter has been started and the witnesses of fact i.e. P.W.1, P.W.2, P.W.3 & P.W.4, who are also said to be the eyewitnesses of the case, have turned hostile in their deposition before the Court and they did not support the prosecution case. It is further submitted that the applicant is languishing in jail since 29.8.2024, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
4. The prayer for bail has been vehemently opposed by learned State counsel.
5. The identically placed co-accused has already been released on bail by this Court. Hence, keeping in view the nature of the offence, evidence,

complicity of accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of **Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22** and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

6. Let the applicant **Sajid** involved in Case Crime No. 460 of 2024, under Sections 115(2), 3(5), 109, 352, 103(1) of BNS, Police Station - Loni, District - Ghaziabad be released on bail on furnishing a personal bond and two heavy 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 will not tamper with the evidence during the trial.

(ii). The applicant will not pressurize/ intimidate the prosecution witness.

(iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). 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.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

January 29, 2026

SS

(Nalin Kumar Srivastava,J.)