



2026:AHC:17997

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 6306 of 2025

Harendra Fauji

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ajay Kumar
Counsel for Opposite Party(s)	:	Anupam Dubey, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Original supplementary affidavit is not on record.
2. Heard Sri Ajay Kumar, learned counsel for the applicant and Sri Anupam Dubey, learned counsel for the informant as well as Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in **Case Crime No. 73 of 2021, under Sections 147, 148, 149, 302, 307, 333, 353, 120-B, 427/34 of IPC and Section 7 of Criminal Law Amendment Act, Police Station - Kakod, District - Bulandshahr**, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Ashok has already been enlarged on bail by coordinate Bench of this Court vide order dated 17.8.2021 passed in Criminal Misc. Bail Application No. 26276 of 2021. It is further submitted that since the case of the applicant is at par to the co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. Learned counsel has also stated that criminal history assigned to the applicant has been explained in the affidavit. The applicant is languishing in jail since 12.5.2022. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. The prayer for bail has been vehemently opposed by learned A.G.A. as well as learned counsel for the informant. However, the aforesaid factual aspect of parity to the co-accused has not been disputed by them.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, evidence on record, pending trial and in the light of the judgement passed by this Court in **Nanha S/o Nabhan Kha vs. State of U.P., 1993 Crl.L.J. 938** and the judgement passed by the Supreme Court in **Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021** coupled with the judgement of Supreme Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **(2022) 10 SCC 51**, without expressing any opinion on the merits of the case, the Court is of the view that the applicant is entitled to be released on bail in this case. The bail application is **allowed** on the ground of parity.

9. Let the applicant- **Harendra Fauji**, who is involved in 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

11. 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.

January 27, 2026
Siddhant

(Krishan Pahal,J.)