



2026:AHC:19452

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 40520 of 2024

Rajesh Nat

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Aishwarya Pratap Singh, Chandan Yadav, Dipanshu Kushwaha, Rahul Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today is taken on record.
2. Heard Sri Dipanshu Kushwaha, learned counsel for the applicant, Sri Ram Mohit Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Session Trial No.49 of 2022 arising out of Case Crime No.49 of 2022, under Section 302 I.P.C., Police Station Kaptanganj, District Kushinagar, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. PW-2/informant is an eye-witness and has not supported the prosecution story during her cross-examination. PW-5/eye-witness has been examined during trial and he has completely resiled from his earlier statement and has been cross-examined by the public prosecutor after declaring him hostile. There is no likelihood of conviction of the applicant in the present case.
5. Learned counsel for the applicant has further stated that the trial is moving at a snail's pace, although eight witnesses have already been examined. There is no criminal history of the applicant. He is languishing in jail since 05.11.2021. He is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.
6. Learned A.G.A. has vehemently opposed the bail application but could

not dispute the submissions made by the counsel for the applicant.

7. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 06.12.2025, eight witnesses have been examined and the trial is going on.

8. The Supreme Court in the case of *Nitish Chauhan vs. State of U.P.*, AIR 2023 SC 2149, has granted bail to the appellant therein on the ground that the appellant has been in custody for nearly two years four months and only two witnesses had been examined out of twenty six prosecution witnesses.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the period of incarceration of the applicant and the fact that PW-2/informant has not supported the prosecution story during her cross-examination and PW-5 has turned hostile, 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**.

10. Let the applicant- **Rajesh Nat**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

12. 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.

(Krishan Pahal,J.)

January 28, 2026
(Ravi Kant)