



2026:AHC:12283

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 5854 of 2025

Preet Kapasia

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Abhishek Kumar Shukla, Adarsh Shukla, Anupam Shyam Dwivedi, Bipin, Deepti, Gaurav Pundir, Mohd Sakib, Sudhir Dixit
Counsel for Opposite Party(s)	: G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. IInd Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Bipin, learned counsel for the applicant and Sri Rajendra Prasad Singh, learned State Law Officer and perused the record.
3. Applicant seeks bail in **Case Crime No. 244 of 2024, under Sections 147, 148, 149, 302, 504, 34 of IPC, Police Station - Bisrakh, District - Gautam Budh Nagar**, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Vishal Chaudhary Alias Akki, has already been enlarged on bail by coordinate Bench of this Court vide order dated 06.11.2025 passed in Criminal Misc. Bail Application No. 35479 of 2025. 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 there is no previous criminal history of the applicant except two cases foisted on him subsequent to the instant case. The applicant is languishing in jail since 10.04.2024. 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 State Law

Officer. However, the aforesaid factual aspects of parity to the co-accused and of no previous criminal history of the applicant, have not been disputed by him.

7. 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.

8. Let the applicant- **Preet Kapasia**, 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.

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

10. 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 19, 2026
Siddhant

(Krishan Pahal,J.)