



2026:AHC:12306

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10168 of 2025

Nichhattar Pal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manish Kumar Kashyap, Ramesh Kumar, Sunil Kumar Upadhyay, V.P. Singh Kashyap

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 V.P. Singh Kashyap, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.436 of 2010, under Section 302 I.P.C., Police Station Vijay Nagar, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant inadvertently could not attend court as the advocates were on strike on 06.12.2024, as such, NBW was issued against him and, as a bona fide act, he surrendered before the concerned court on 06.02.2025. The criminal history assigned to the applicant stands explained. He is languishing in jail since 06.02.2025 and is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.
5. Learned A.G.A. has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.
6. The Supreme Court in ***Prabhakar Tewari vs. State of U.P. And Another***,

(2020) 11 SCC 648 has observed that pendency of several criminal cases against an accused itself cannot be a basis for refusal of bail, if otherwise his case for bail is made out.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Nichhattar Pal**, 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.

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.

(Krishan Pahal,J.)

January 19, 2026
(Ravi Kant)