



2026:AHC:13734

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35488 of 2024

Gyanendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Chandra Kumar Singh, Jitendra Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Chandra Kumar Singh, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.360 of 2021, under Sections 302 and 307 I.P.C. and 27/30 Arms Act, Police Station Kavinagar, District Ghaziabad, during the pendency of trial.
4. As per prosecution story, the applicant is stated to be the guard of the premises, where he allegedly fired indiscriminately, injuring two persons and committing the murder of one person in the night of 08/09.03.2021.
5. Learned counsel for the applicant has stated that PW-1 has categorically stated that he did not see anybody firing as it was pitch dark at that point in time. PW-2, PW-3, and PW-4 are stated to be the eyewitnesses, and two of them are injured persons. They have categorically stated during their examination-in-chief that the applicant fired indiscriminately at all the injured persons, causing the death of one of them, but during their cross-examination, they have categorically stated that they had not seen any person firing at the deceased person or the injured persons. Rather, the applicant was nominated only on the basis of the knowledge of the fact that he was carrying a licensed weapon, as such, he is entitled to bail.
6. Learned counsel for the applicant has further argued that there is no

criminal history of the applicant. The applicant is languishing in jail since 09.03.2021, as such, the period of incarceration is a bit less than five years. He is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 21.11.2025, nine witnesses have been examined and three more witnesses are yet to be examined.

9. 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**.

10. Let the applicant- **Gyanendra**, 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 20, 2026
(Ravi Kant)