



2026:AHC:13798

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43159 of 2024

Rahul Kumar Balmiki

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Satyendra Kumar Singh
Counsel for Opposite Party(s) : Arvind Kumar Kushwaha, G.A., Pooja

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Satyendra Kumar Singh, learned counsel for the applicant, Ms. Pooja, learned counsel for the informant, 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.161 of 2024, under Sections 147, 504, 506 and 302 I.P.C., Police Station Sigra, District Varanasi, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused persons, namely, Kanhaiya @ Shivam Gaud and Vishal @ Vikash Kumar, have already been enlarged on bail by this Court vide order dated 06.01.2026 passed in Criminal Misc. Bail Application Nos.40814 of 2024 and 3728 of 2025, as such, since the role of the applicant is identical to that of co-accused, who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. There is no criminal history of the applicant except one case under U.P. Gangsters Act foisted on him subsequent to the instant case and he has yet to apply for bail. He is languishing in jail since 20.06.2024. In case, the applicant is released on bail, he will not misuse the liberty of bail.
5. The prayer for bail has been vehemently opposed by learned counsel for the informant and learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by them.

6. Considering the facts and circumstances of the case and in 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 judgements passed by the Supreme Court in ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*** and in ***Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51***, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed*** on the ground of parity.

7. Let the applicant- **Rahul Kumar Balmiki**, 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.

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

9. 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)