



2026:AHC:10910

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1176 of 2026

Shahid

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ram Shyam Shanker Pandey, Subodh Pandey

Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Subodh Pandey, learned counsel for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.

3. Applicant seeks bail in Case Crime No.182 of 2025, under Sections 103(1), 61(2), 3(5) B.N.S. (old Section 302, 120-B, 34 I.P.C.), Police Station- Kundarki, District- Moradabad, during the pendency of trial.

4. Learned counsel for the applicant has stated that the applicant was not named in the FIR rather co-accused person Khalid, who was named in the FIR, has already been enlarged on bail by this Court vide order dated 13.11.2025 passed in Criminal Misc. Bail Application No.38895 of 2025. The name of the applicant has come up in the supplementary statement of the informant during investigation.

5. It is further argued by learned counsel for the applicant that the case of the applicant is at better footing to co-accused person Khalid. The applicant is languishing in jail since 14.6.2025, having no criminal history. He further submitted that since the role of the applicant is at better footing to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.

6. The prayer for bail has been vehemently opposed by learned A.G.A. However, the aforesaid factual aspects of parity to the co-accused and of no 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, the evidence on record, and also taking into consideration the judgment of the Supreme Court passed in the case of ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*** and the judgment of this Court passed in the case of ***Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cri.L.J. 938*** coupled with the judgment of Supreme Court passed in ***Satender Kumar Antil vs. Central Bureau of Investigation and another reported in 2022 SCC OnLine SC 825***, 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 on the ground of parity. The bail application is ***allowed*** on the ground of parity.

8. Let the applicant- **Shahid** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate 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, the prosecution shall be at liberty to move bail cancellation application before this Court.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. 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 on the testimony of the witnesses.

(Krishan Pahal,J.)

January 16, 2026

Vikas Verma