



2026:AHC:15660

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44290 of 2025

Virendra Yadav And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Devottam Pandey
Counsel for Opposite Party(s)	:	Amrish Tiwari, 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 Devottam Pandey, learned counsel for the applicants, Sri Amrish Tiwari, learned counsel for the informant, Sri Abhishek Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicants seek bail in Case Crime No.382 of 2025, under Sections 103(1), 191(1), 115(2), 3(5) B.N.S., 2025, Police Station Bairia, District Ballia, during the pendency of trial.
4. It is submitted by learned counsel for the applicants that similarly placed co-accused person Rahul Yadav has already been enlarged on bail by this Court vide order dated 07.01.2026 passed in Criminal Misc. Bail Application No.44503 of 2025. The criminal history assigned to the applicants stands explained except for one case under SC/ST Act assigned to applicant no.1, in which he has yet to apply for bail. The applicants are languishing in jail since 18.03.2025. He further submitted that since the roles of the applicants are identical to that of co-accused who has already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. In case, the applicants are released on bail, they 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. 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 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 applicants have made out a case for bail. The bail application is ***allowed*** on the ground of parity.

8. Let the applicants- **Virendra Yadav, Sudama Yadav and Prabhunath Yadav**, who are involved in aforementioned case crime be released on bail on their 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 applicants shall not tamper with evidence during trial.
- (ii) The applicants shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicants 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 applicants shall not in any way affect the learned trial Judge in forming their independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 21, 2026

(Ravi Kant)