



2026:AHC:16034

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 2356 of 2026

Sunil Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sanjeev Kumar Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sanjeev Kumar Singh, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in **Case Crime No. 0463 of 2025, under Sections 103(1), 190, 191(2), 191(3) of BNS, Police Station - Gagaha, District - Gorakhpur**, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Ashutosh Kumar, has already been enlarged on bail by this Court vide order dated 21.01.2026 passed in Criminal Misc. Bail Application No. 2115 of 2026. It is further submitted that since the case of the applicant is at par to the co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. Learned counsel has also stated that the applicant is languishing in jail since 23.08.2025, having no criminal history. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
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, evidence on record, pending trial and in the

light of the judgement passed by this Court in *Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cr.L.J. 938* and the judgement passed by the Supreme Court in *Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021* coupled with the judgement of Supreme Court passed in *Satender Kumar Antil vs. Central Bureau of Investigation and another* reported in *(2022) 10 SCC 51*, without expressing any opinion on the merits of the case, the Court is of the view that the applicant is entitled to be released on bail in this case. The bail application is **allowed** on the ground of parity.

8. Let the applicant- **Sunil Kumar**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will 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.

January 22, 2026
Siddhant

(Krishan Pahal,J.)