



2026:AHC:12265

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29205 of 2025

Shubham Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Irshad Ahmad, Namit Srivastava, Parul Srivastava
Counsel for Opposite Party(s)	: G.A., Jayendra Kumar Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Mohd. Faiz, Advocate holding brief of Sri Irshad Ahmad and Sri Namit Srivastava, learned counsels for the applicant and Sri Jayendra Kumar Mishra, learned counsel for the informant as well as Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 183** of 2025, **under Sections** 103(1), 351(2), 309(4), 317(2), 3(5) of BNS, **Police Station-** Naini, **District** - Prayagraj, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The informant and the other witnesses have been examined as P.W. 1, 2 & 3 in court and have not supported the prosecution story. They have completely resiled from their earlier statements given to the I.O. and the allegations of the FIR. The witnesses have been cross-examined by the public prosecutor after declaring them hostile. There is no possibility of conviction in the present case under the circumstances.
5. Learned counsel has further stated that the applicant is languishing in jail since 29.04.2025. Criminal history of seven cases assigned to the applicant stands explained in the affidavit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

6. Per contra, learned counsel for the informant as well as learned A.G.A. have vehemently opposed the bail application but could not dispute the fact that the witnesses have turned hostile.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and taking into consideration the settled law of the Supreme Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and Ors., 2022 INSC 690** and **Manish Sisodia vs. Directorate of Enforcement, 2024 INSC 595** and also the fact that the witnesses have turned hostile, 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. The bail application is **allowed**.

9. Let the applicant- **Shubham Nishad**, 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.

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

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 based on the testimony of the witnesses.

January 19, 2026
Siddhant

(Krishan Pahal,J.)