



2026:AHC:12339

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 1387 of 2026

Dinesh Kumar Kashyap

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Anurag Vajpeyi, Praveen 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 Praveen Kumar Singh, learned counsel for the applicant and Sri V.K.S. Parmar, 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. 60** of 2025, **under Sections 103(1), 238(A)** of BNS, **Police Station-** Kapsethi, **District** - Varanasi, 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.Ws. 1 to 9 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 24.05.2025, having no criminal history to his credit and deserves to be released on bail. 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 A.G.A. has vehemently opposed the bail application but could not dispute the fact that there is no criminal history of the applicant and the witnesses have turned hostile.
7. 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**.

8. Let the applicant- **Dinesh Kumar Kashyap**, 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 19, 2026
Siddhant

(Krishan Pahal,J.)