



2026:AHC:1445

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42292 of 2025

Nihal Valmiki

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sushil Kumar Tewari, Sr. Advocate
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri S.K. Shukla, learned Senior Advocate assisted by Sri Sushil Kumar Tewari, learned counsel for the applicant, Sri Subodh Pandey and Sri Abhishek Srivastava, learned counsels for the informant and Ms. Ifrah Islam, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 556 of 2025, under Sections 109(1), 103(1), 61(2) B.N.S., Police Station Katghar, District Moradabad, during the pendency of trial.
4. As per prosecution story, the co-accused persons Sunny Diwakar and Monu Pal are stated to have caused gunshot injury to Kamal Chauhan, whereby the applicant and other co-accused persons are stated to have surrounded Vishal Sharma and had fired him, who somehow escaped from their clutches on 7.9.2025 at about 5.40 pm.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about six hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that the applicant has been assigned the role of firing at Vishal Sharma, who has not sustained any

gunshot injury, whatsoever, as such, the case of the applicant is at a different footing to the main assailant Sunny Diwakar. There is a criminal history of two cases assigned to the applicant, which has been explained. The applicant is languishing in jail since 16.10.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application. Learned counsel for the informant has opposed on the ground that the applicant is one of the accused persons, who shared common object to commit the said murder.

8. 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.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the role of the applicant of having fired at Vishal Sharma, who did not sustain any gunshot injury and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Nihal Valmiki**, 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 shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

12. 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.

(Krishan Pahal,J.)

January 6, 2026
Shalini