



2026:AHC:67034

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10728 of 2026

Subhash Rai @ Chintu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Atul Shukla, Manoj Kumar Mishra
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Manoj Kumar Mishra, learned counsel for the applicant, and Shri Manoj Gautam, learned AGA for the State-respondents and perused the record.
2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No.17 of 2025, under Sections 318(4), 336(3), 338 of B.N.S. and Section 66D of I.T. Act, registered at Police Station Cyber Crime, District Sonbhadra, during pendency of the trial.
3. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that co-accused Rajat Kumar Srivastava has already been granted anticipatory bail by this Court vide order dated 03.02.2026 passed in Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No.993 of 2026. It is further submitted that the applicant is having criminal history of two cases registered against him subsequent to the present case. It is further submitted that the applicant has not been assigned any specific role of assault in the alleged incident and the applicant is languishing in jail since 21.11.2025, undertakes that he will not misuse the liberty, if granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. Per contra learned A.G.A. has opposed the prayer for bail of the applicant.

5. Co-accused Rajat Kumar Srivastava has already been granted anticipatory bail by this Court vide order dated 03.02.2026 passed in Criminal Misc. Anticipatory Bail Application U/s 482 BNSS No.993 of 2026. As per allegations in the first information report, co-accused Rajat Kumar Srivastava is said to have induced the first informant to get an account opened in a bank in order to obtain some benefit of the government schemes and Rs.One crore is said to have been credited in the account of the first informant, which is said to have been obtained by cyber fraud. It is further submitted that the applicant has not been assigned any specific role of assault in the alleged incident and the applicant is languishing in jail since 21.11.2025.

6. Upon considering the totality of facts, nature and the evidence reflected from record and without expressing any opinion on merits of the case, I find it to be a fit case for bail. Hence, the present bail application is allowed.

7. Let the applicant- **Subhash Rai @ Chintu** involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(i) The applicant shall not directly or indirectly make any inducement, threat, or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence.

(ii) The applicant shall not pressurize/intimidate the prosecution witnesses.

(iii) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 351 of B.N.S.S.

(iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses

are present in the trial court.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

9. It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Jitendra Kumar Sinha,J.)

March 31, 2026

RKM