



2026:AHC:67539

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10777 of 2026

Vishal Pandey @ Saurabh Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sarvesh Kumar Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Sri Yadavendra Krishna, Advocate has filed his Vakalatnama on behalf of the first informant which is taken on record.
2. Heard Sri Sarvesh Kumar Pandey, learned counsel for the applicant, Sri Yadavendra Krishna, learned counsel for the first informant and learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.263 of 2025, under Sections 191(2), 191(3), 190, 103(1), 352, 351(3) B.N.S., Police Station Cantt, District Prayagraj.
4. As per the prosecution story, the applicant and five other co-accused persons alleged to have fired upon the deceased and killed him, after some scuffling took place between them.
5. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that a bare perusal of the statement of Gagan, who was allegedly present at the time of incident, reveals that there was a hot talk between the deceased and all other accused persons, and someone has fired upon the deceased, therefore, no specific allegation has been made against any of the accused persons. It is further submitted that from a bare perusal of the post-mortem report, it is clear that the deceased received single firearm injury and the firearm has also been recovered on pointing out of the co-accused Harsh Kumar Pandey, therefore, the applicant has been falsely implicated in the present case despite being the fact that there is no incriminating material against him. He further submitted that co-accused Arjun @ Dheeru having similar role to that of the applicant, has been enlarged on bail by this Court in Criminal Misc. Bail Application No.10182 of 2026 vide order dated 25.03.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for

custodial interrogation. He further submitted that the applicant has no criminal history and he is languishing in jail since 20.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

6. Per contra, learned A.G.A. vehemently opposed the prayer for bail but could not dispute the parity of the applicant with co-accused Arjun @ Dheeru, who has been enlarged on bail by this Court.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

8. Let the applicant- **Vishal Pandey @ Saurabh Pandey** involved in the aforementioned 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, with the following conditions:-

- 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 cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

11. It is made clear that the applicant shall be released on the basis of downloaded copy of this order from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

13. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

March 31, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)