



2026:AHC:67633

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 10881 of 2026

Gorakh Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Manoj Kumar Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Manoj Kumar Yadav, learned counsel for the applicant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.354 of 2025, under Sections 191(2), 191(3), 103(1), 352, 61(2) B.N.S., Police Station Kerakat, District Jaunpur.
3. As per the prosecution story, the named accused and several other unknown persons were alleged to have come at the mobile tower where the deceased Rohit Yadav was working as a 'Guard' and they started beating him, and subsequently he succumbed to his injuries. It is also alleged that the incident was seen by the eye-witness Akash Singh @ Saurabh Singh.
4. 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 in the CCTV footage, the applicant was not identified, even the eye-witness Akash Singh @ Saurabh Singh did not identify the applicant from CCTV footage. The applicant has been falsely implicated in the present case. The applicant has nothing to do with the present case. There is no incriminating material against the applicant. He further contended that identical situated co-accused Rajan Pal has already been granted bail by this Court in Criminal Misc. Bail Application No.8772 vide order dated 24.03.2026. Therefore, the applicant is entitled to be released on bail on the ground of parity. He lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial

interrogation. The applicant has explained the criminal history of one case and he is languishing in jail since 02.12.2025. In case the applicant is released on bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the fact co-accused Rajan Pal has been released on bail by this Court.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties 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.

6. Let the applicant- **Gorakh Yadav** 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.

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

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

9. 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.

10. 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.

11. 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.)