



2026:AHC:12838

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 44978 of 2025

Roshan And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Shubham, Suraj Raj
Counsel for Opposite Party(s)	: G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Shubham, learned counsel for the applicants, Shri Shashank Singh, Brief Holder AGA for the State-respondents and perused the record.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicants Roshan Kumar and Ishu Kumar, with a prayer to release them on bail in Case Crime No. 327 of 2025, under Section 3(1) Uttar Pradesh Gangsters and Anti Social Activities (Prevention) Act, 1986, registered at Police Station Rohaniya District Varanasi, during pendency of the trial.

It has been submitted by learned counsel for the applicants that the applicants are innocent and have been falsely implicated in this case due to ulterior motive. One case of criminal history have sufficiently been explained.

Learned counsel for the applicants submits that co-accused Deepak Kumar has already been enlarged on bail by co-ordinate Bench of this Court on 07.01.2026 in Criminal Misc. Bail Application No. 67 of 2026.

It is further submitted that the applicant is not a member or leader or organizer of a gang and he has not abetted or assisted in the activities of a gang as enumerated in clause (b) of Section 2 of the Act. Applicant has no criminal history except the aforesaid case. It is next submitted that there is also no possibility of the applicant either fleeing away from the judicial process or tampering with the witnesses. The applicant, who is languishing in jail since 07.10.2025, 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.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but submits that similarly circumstanced aforesaid co-accused has already been granted bail by this Court.

Upon considering the totality of facts, nature and the evidence reflected from record and also taking into consideration the provision of Section 19(4) of the Act 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**.

Let applicants, **Roshan** and **Ishu Kumar**, be released on bail in the aforesaid case crime number on their furnishing a personal bond and two reliable sureties of the like amount to the satisfaction of the court concerned with the following conditions :-

- (i) The applicants 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 applicants shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicants 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 313 of Cr.P.C.
- (iv) The applicants 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 applicants shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

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.

January 19, 2026

Vinod.

(Ashutosh Srivastava, J.)