



2026:AHC:12196

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2946 of 2025

Ankur

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashish Kumar Singh, Bhavya Sahai
Counsel for Opposite Party(s) : Akash Khare, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Bhavya Sahai, learned counsel for the applicant, Sri Akash Khare, learned counsel for the informant, Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.750 of 2024, under Sections 140(1), 103(1), 61(2), 3(5), 238 B.N.S., Police Station Nandgram, District Ghaziabad, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is not named in the FIR and has been falsely implicated in the present case. His name has come up subsequently in the statement of the co-accused person and also on the basis of CDR and the CCTV footage. The said CCTV footage does not indicate the applicant to be one of the perpetrators of crime, rather he is simply visible standing there.
5. Learned counsel for the applicant has further argued that the statement of PW-1 was recorded and during his examination-in-chief, he has not assigned any overt act to the applicant. He has simply stated that the applicant was also present along with the co-accused persons. The cross-examination of the said witness could not be completed as he had expired in the intervening period.
6. Learned counsel for the applicant has also argued that the statement of

PW-2 has also been recorded and he has also not nominated the applicant. There is no previous criminal history of the applicant except a case of U.P. Gangsters Act foisted on him subsequent to the instant case. The applicant is languishing in jail since 27.08.2024 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 counsel for the informant and learned A.G.A. have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

8. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 06.12.2025, two witnesses have been examined and the facts narrated by the applicant stand fortified that the statement of PW-2 is not complete and even the statement of PW-1 could not be completed due to his death.

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 statement of PW-1 and PW-2 and the fact that the applicant is not named in the FIR, 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- **Ankur**, 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 19, 2026
(Ravi Kant)