



2026:AHC:3708

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 35100 of 2025

Guddu And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Singh Bais
Counsel for Opposite Party(s) : Bharat Singh, G.A., Lal Prabhakar Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicants is taken on record.
2. Heard Sri Ashok Kumar Singh Bais, learned counsel for the applicants and Sri Sandeep Kumar Srivastava, Advocate holding brief of Sri Lal Prabhakar Singh, learned counsel for the informant as well as Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the record.
3. Applicants seek bail in Case Crime No. 296 of 2025, under Sections 103(1), 191(2), 352, 351(2), 115(2), 3(5) of BNS, Police Station - Junawai, District - Sambhal, during the pendency of trial.
4. It is submitted by learned counsel for the applicants that similarly placed co-accused persons, Vinod and Santosh have already been enlarged on bail by this Court vide order dated 2.12.2025 passed in Criminal Misc. Bail Application No. 36832 of 2025. Learned counsel has further submitted that since the case of the applicants is at par with the co-accused, who have already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. Criminal history assigned to the applicants have been explained in the affidavit. The applicants are languishing in jail since 20.08.2025. In case, the applicants are released on bail, they will not misuse the liberty of bail and shall cooperate with trial.
5. The prayer for bail has been vehemently opposed by learned A.G.A. and learned counsel for the informant. However, the aforesaid factual aspect of parity to the co-accused has not been disputed by them.

6. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, evidence on record, pending trial and in the light of the judgement passed by this Court in **Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cr.L.J. 938** and the judgement passed by the Supreme Court in **Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021** coupled with the judgement of Supreme Court passed in **Satender Kumar Antil vs. Central Bureau of Investigation and another** reported in **(2022) 10 SCC 51**, without expressing any opinion on the merits of the case, the Court is of the view that the applicants are entitled to be released on bail in this case. The bail application is **allowed** on the ground of parity.

8. Let the applicants- **Guddu** and **Rajesh**, who are involved in aforementioned case crime be released on bail on their 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 applicants will not tamper with the evidence during trial.
- ii) The applicants will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicants will appear before the trial court on the date fixed.

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

10. It is made clear that observations made in granting bail to the applicants shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 7, 2026
Siddhant

(Krishan Pahal,J.)