



2026:AHC:4186

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44677 of 2025

Vipin Vishwakarma And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashwani Kumar Pathak
Counsel for Opposite Party(s)	:	G.A., Rajeev Kumar Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ashwani Kumar Pathak, learned counsel for the applicants, Sri Rajeev Kumar Singh, learned counsel for the informant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicants seek bail in Case Crime No.541 of 2025, under Sections 191(2), 109, 117(2), 131, 351(2), 103(1), 115(2), 352 B.N.S., Police Station Sahjanwa, District Gorakhpur, during the pendency of trial.
4. It is submitted by learned counsel for the applicants that similarly placed co-accused person Jitendra Vishvkarma has already been enlarged on bail by this Court vide order dated 15.11.2025 passed in Criminal Misc. Bail Application No.10228 of 2025. There is no criminal history of the applicants. The applicants are languishing in jail since 12.10.2025. He further submitted that since the roles of the applicants are identical to that of co-accused who has already been enlarged on bail, they are also entitled to be enlarged on bail on the ground of parity. In case, the applicants are released on bail, they will not misuse the liberty of bail.
5. The prayer for bail has been vehemently opposed by learned counsel for the informant and learned A.G.A. However, the aforesaid factual aspect of the parity to the co-accused has not been disputed by them.
6. Considering the facts and circumstances of the case and in light of the

judgement passed by this Court in *Nanha S/o Nabhan Kha vs. State of U.P., 1993 Crl.L.J. 938* and the judgements passed by the Supreme Court in *Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021* and in *Satender Kumar Antil vs. Central Bureau of Investigation and Another, (2022) 10 SCC 51*, the Court is of the view that the applicants have made out a case for bail. The bail application is **allowed** on the ground of parity.

7. Let the applicants- **Vipin Vishwakarma s/o Ramprakash Vishwakarma** and **Vipin Vishwakarma s/o Chhote Lal Vishwakarma**, 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 shall not tamper with evidence during trial.
- (ii) The applicants shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicants shall appear before the trial court on the date fixed.

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

9. 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 their independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 8, 2026

(Ravi Kant)