



2026:AHC:64423

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10505 of 2026

Vimal Kumar Alias Rakesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Kapil Kumar Mishra, Tiwari Abhishek
Rajesh

Counsel for Opposite Party(s) : G.A., Shyam Sunder Mishra

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Tiwari Abhishek Rajesh, learned counsel for the applicant, Sri Shyam Sunder Mishra, learned counsel for the first informant and Sri Upendra Pal, 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 in Case Crime No. 202 of 2025, under Sections- 103(1), 109(1), 190, 191(2), 191(3), 352, 351(3), 3(5), 127(2) and 61(2)(a) of B.N.S., Police Station- Khaga, District- Fatehpur, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that though the applicant was named in the FIR by the first informant who was not the eye-witness of the incident but the injured/eye-witness did not name the applicant as an accused in his first two statements and in his third statement he named the applicant as one of the accused. It is further submitted that another eye-witness Achchan Miyan and Sahabuddin as well as Chandrapal Lodhi also did not name the applicant as an accused. It is further submitted that one of the co-accused Kapil (son-in-law of the co-accused Brijesh Kumar Tripathi @ Umesh Kumar) though named in the FIR but subsequently his location was found in Haryana, therefore, he was exonerated during investigation which creates a doubt upon the prosecution story. It is further submitted that co-accused Brijesh Kumar Tripathi @ Umesh Kumar, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 32388 of 2025 vide order dated 10.03.2026. Therefore, the applicant having an identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has explained the criminal history of one case. It is further

submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 19.06.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned counsel for the first informant and learned A.G.A. for the State have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail and keeping in view the nature of offence, evidence, complicity of the 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. Accordingly, the present application is **allowed**.

6. Let the applicant- **Vimal Kumar Alias Rakesh Kumar**, 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 computer generated copy of this order, downloaded 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 further 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**.

(Arun Kumar Singh Deshwal,J.)

March 28, 2026
SA