



2026:AHC:66284

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 8707 of 2026

Kadir

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Gaurav Dwivedi, Kamlesh Kumar Dwivedi
Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Kamlesh Kumar Dwivedi, learned counsel for the applicant, and Shri B.P. Singh, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant, with a prayer to release him on bail in Case Crime No.359 of 2024, under Sections 191(2), 191(3), 190, 115(2), 118(1), 351(2), 352, 109 of B.N.S. and Section 3/4/25 of Arms Act, registered at Police Station Pilkhuwa, District Hapur, during pendency of the trial.

3. It is contended by learned counsel for the applicant that this is the second bail application of the applicant filed on behalf of the applicant and the first bail application was rejected on 24.07.2025 on merits.

4. It has been submitted by learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case due to ulterior motive. It is further submitted that applicant is languishing in jail since 30.07.2024 and till date no witness has been examined by the learned trial Court, which is evident from the certified copy of the order sheet, which is annexed with the memo of application.

5. Learned counsel for the applicant has placed reliance in **Pardeep Kumar @ Banu Vs. State of Punjab**, arising out of SLP (Crl.) No.18775 of 2025, in which, the Hon'ble Supreme Court has held that in case, where

the appellant was in jail for about two years and no witness has been examined had granted bail to the appellant of that case for the offences under Sections 386, 307, 506 of I.P.C. and Sections 25(6) and 27 of the Arms Act.

6. Per contra learned A.G.A. has opposed the prayer for bail of the applicant and it has been submitted by him that the first bail application of the applicant was rejected by this Court on merits and no case for grant of bail is made out.

7. The first bail application was rejected on 24.07.2025 on merits by this Court and the applicant is languishing in jail since 30.07.2024 and till date no witness has been examined by the learned trial Court, therefore, the trial is not likely to conclude in the near future.

8. Upon considering the totality of facts, nature and the evidence reflected from record 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.

9. Let the applicant- **Kadir**, involved in the aforesaid case crime shall be released on bail on his furnishing a personal bond of Rs. 50,000/- with two sureties each in the like amount to the satisfaction of the Court concerned :-

(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 not pressurize/intimidate the prosecution witnesses.

(iii) The applicant 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 351 of B.N.S.S.

(iv) The applicant 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 applicant shall remain present before the trial court on each date fixed, either personally or through his counsel.

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

11. 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.

(Jitendra Kumar Sinha,J.)

March 30, 2026

RKM