



2026:AHC:67304

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9948 of 2026

Sarvan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashish Rai, Om Prakash Rai
Counsel for Opposite Party(s)	:	G.A., Rohit Nandan Pandey

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Om Prakash Rai, learned counsel for the applicant, Sri Rohit Nandan Pandey, learned counsel for the first informant and Sri Roshan Kumar Singh, 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. 321 of 2025, under Sections- 191(2), 191(3), 190, 109, 115(2), 352, 103(1) of B.N.S., Police Station- Babugarh, District- Hapur, during the pendency of the trial.
3. As per prosecution case, an altercation is stated to have took place between the parties regarding the parking of a tractor on the road. It is alleged that on 16.11.2025 at about 04:00 PM, the applicant along with eight other co-accused persons opened fire upon the informant and his family members thereby seven persons sustained gun-shot injuries. One of the injured persons, namely Ayush, later succumbed to the injuries sustained by him, and consequently, the case was converted to one under Section 103(1) of BNS. Learned counsel for the applicant has submitted that there has been no recovery of any weapon on the pointing out of Prem Pal @ Pannu and Sanjay. It is further submitted that co-accused Bhure @ Tushar, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 10275 of 2026 vide order dated 26.03.2026. Therefore, the applicant is also entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history. 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 09.01.2026. 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 informant as well as 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- **Sarvan** , 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 31, 2026
SA