



2026:AHC:5029

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 294 of 2026

Nilesh Alias Sailesh Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ram Pravesh Yadav, Shashank Kumar
Counsel for Opposite Party(s)	: G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shashank Kumar, learned counsel for the applicant and Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 195 of 2025, under Sections 103(1), 351(3), 352 of BNS, Police Station - Khuthan, District - Jaunpur**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The cause of death of deceased was the head injury sustained by him. The said injury cannot be caused by sharp-edged weapon which has been assigned to the applicant, as such, he is entitled for bail.
5. Learned counsel has next contended that the co-accused Surendra @ Sukhai has already been enlarged on bail by this Court vide order dated 7.1.2026 passed in C.M.B.A. No. 44666 of 2025. It is further submitted that since the case of the applicant is at par to the co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. The applicant is languishing in jail since 13.07.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. Per contra, learned State Law Officer has vehemently opposed the bail

application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

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 Crl.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 applicant is entitled to be released on bail in this case. The bail application is **allowed** on the ground of parity.

8. Let the applicant- **Nilesh Alias Sailesh Yadav**, who is involved in aforementioned case 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 subject to following conditions. Further, before issuing the release order, the sureties be verified.

- i) The applicant will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant 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 applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

January 8, 2026
Siddhant

(Krishan Pahal,J.)