



2026:AHC:6788

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 378 of 2026

Kuldeep

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ram Raj Pandey, Shubham Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri Ram Raj Pandey, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 437 of 2025, under Sections 137(2), 103(1), 238 of BNS, Police Station - Dibai, District - Bulandshahar**, 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. He is not named in the FIR. His name has come up in the second application given by the informant to the police station after institution of FIR whereby he has stated that the applicant and co-accused Raj Kumar have committed the said offence.
5. Learned counsel has also stated that there is no last seen evidence. The applicant has simply been made an accused on the basis of suspicion only. There is no previous criminal history of the applicant except two cases instituted on him at the time of his arrest. The applicant is languishing in jail since 23.07.2025. 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 AGA 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 previous criminal history.

7. In the case of **Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648**, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the fact that the applicant is not named in the FIR and no cogent evidence has come up against him, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Kuldeep**, 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.

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

11. 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 12, 2026
Siddhant

(Krishan Pahal,J.)