



2026:AHC:6756

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 395 of 2026

Virendra Gaud

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pradeep Yadav, Puneet Krishna Tiwari
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Pradeep Yadav, 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. 0306 of 2025, under Section 103(1) of BNS, Police Station - Chopan, District - Sonbhadra**, 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 subsequently been added by the prosecution as an afterthought on the basis of suspicion only.
5. Learned counsel has further submitted that the FIR is delayed by about 12 hours and there is no explanation of the said delay caused. It is also argued that although an allegation has been levelled against the applicant regarding an illicit relationship with the wife of the deceased, there is no material on record to substantiate the said allegation.
6. Learned counsel has next contended that the applicant is languishing in jail since 13.09.2025, 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.

7. 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 criminal history.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, delay in lodging the FIR 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- **Virendra Gaud**, 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.

(Krishan Pahal,J.)

January 12, 2026

Siddhant