



2026:AHC:6923

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 449 of 2026

Pankaj Rajbhar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Priti Singh, Shrinivas Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Ms. Priti Singh, learned counsel for the applicant, Sri R.B. Paul, learned counsel for the informant as well as Sri R.P. Singh, learned State Law Officer and perused the record.
3. Applicant seeks bail in Case Crime No. 0308 of 2025, under Sections 103(1) B.N.S., Police Station Lar, District Deoria, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Vishal Gond has already been enlarged on bail by this Court vide order dated 8.1.2026 passed in Criminal Misc. Bail Application No. 243 of 2026. The applicant is languishing in jail since 12.9.2025 having no criminal history. He further submitted that since the role of the applicant is identical to that of co-accused, who has already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity.
5. The prayer for bail has been vehemently opposed by learned counsel for the informant on the ground that it is not the case of parity with the co-accused Vishal Gond, as there is recovery of blood-stained clothes of the deceased and bracelet at the pointing out of the applicant. It is further stated that the statement of the witness Nityanand Gautam has been recorded by the investigating officer on 8.9.2025 and he has given ocular

account by assigning the role of assaulting the deceased to the applicant and co-accused person Divanshu Singh, as such, the applicant is not entitled for bail.

6. In rebuttal, learned counsel for the applicant has stated that the said recovery has been foisted on the applicant. It is further stated the said witness Nityanand Gautam has been garnered five days after the incident, as his statement has been recorded on 8.9.2025, as such, the applicant is entitled for bail.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail on the ground of parity. The bail application is **allowed** on the ground of parity.

8. Let the applicant- **Pankaj Rajbhar** involved in aforementioned case crime number be released on bail on furnishing a personal bond and two heavy sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicant will not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
5. 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

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 on the testimony of the witnesses.

(Krishan Pahal,J.)

January 12, 2026

Shalini