



2026:AHC-LKO:20850

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 10970 of 2025

Pawan Kumar Pandey

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ayodhya Prasad Mishra A.P. Mishra,
Rituraj Mishra, Vivek Kumar Tripathi
Counsel for Opposite Party(s) : G.A.

Court No. - 17

HON'BLE RAJEEV SINGH, J.

1. Heard Sri A.P. Mishra, learned counsel for the applicant, Sri V.K. Shahi, learned Additional Advocate General assisted by Sri Anurag Verma, learned counsel appearing for the State and Sri Anil Tiwari, learned counsel appearing for the complainant.
2. This bail application has been filed by the applicant with a prayer to enlarge him on bail in Case Crime No.319 of 2022 u/s 419, 420, 467, 468, 471, 120-B I.P.C., Police Station- Akbarpur, District- Ambedkar Nagar.
3. Learned counsel for the applicant submits that the applicant is a political person and only due to political rivalry, he was implicated in a number of cases after change of Government. The applicant was named as accused in Ram Janam Bhoomi case, specifically in F.I.R. Nos. R.C.8(S)/92-S.I.U.-V/S.I.C.-II, R.C. No.1 (S)/93-S.I.C.-IV and R.C. No.2 (S)/93 alongwith 48(S)/93, u/s 147, 149, 120-B, 114 r/w Sections 153-A, 153-B, 505, 295, 295-A, 395, 332/338, 201 and 505(1)(b) I.P.C., Police Station- S.I.U.-V/S.I.C.-II, New Delhi. The investigation of the aforesaid cases was conducted by C.B.I. The charge-sheet was submitted and the case of the applicant was registered before Sessions Court as S.T. No. 344 of 1994 (State Vs. Pawan Kumar Pandey and others). Thereafter, discharge application was filed, which was allowed by learned Special Judge, Ayodhya Parkaran, Lucknow on 13.09.2002. The said discharge order was challenged before this Court in Crl. Appeal u/s 372 Cr.P.C. No.

79 of 2022 by the complainant of the present case reported in Hazi Mahboob Ahmad and another Vs. State of U.P. and others, and the said appeal was dismissed by Division Bench of this Court by means of the order dated 09.11.2022.

3.1. It is further submitted that 96 other cases were also lodged against the applicant, out of which, he has been either acquitted or discharged/ closure report was submitted by the Investigating Officer in 92 cases and list of the cases are annexed with the petition as Annexure No.14. In the present case, the prosecution case is that on the basis of sham marriage of son of the complainant, who later died in an accident, the mutation proceeding was initiated by his so-called wife, namely, Neetu Singh, the applicant felicitated for preparation of marriage certificate and also for filing mutation application before the competent authority.

3.2. It is next submitted that 12 persons were named in the F.I.R. including the applicant, but the charge-sheet was submitted against 13 persons. The charge-sheet was filed against the applicant for the offense u/s 420, 419, 467, 468, 471, 120-B I.P.C. There is no evidence against the applicant for the offense u/s 420, 419, 467, 468, 471 I.P.C. and there is no chain of evidence for proving any alleged offense, hence, no offense is also made out u/s 120-B I.P.C.

3.3. It is also submitted that 12 persons out of 13 persons have already been enlarged on bail including lady, against whom, the sham marriage is alleged. Earlier, impression was given before this Court that son of the complainant was killed with the association of the applicant with the intention to grab the land by showing the incident as an accident. Further, investigation was assigned to S.T.F. and in the investigation, it was found that death of son of the complainant was happened due to an accident. Thereafter, claim petition was also filed by the complainant before Motor Accident Claim Tribunal claiming 36 lakhs as compensation.

3.4. It is submitted that earlier, the bail application of the applicant was rejected on 19.09.2024 and learned trial Court was directed to conclude the trial expeditiously. The aforesaid order was challenged before Hon'ble Supreme Court by the applicant in Special Leave to Appeal (Crl.) No.

14108 of 2024, which was dismissed, vide order dated 09.01.2025, with the observation that the Court was not inclined to grant bail to the applicant at that stage. Then, the trial was proceeded. The discharge application was filed by the applicant, which was rejected by learned trial Court vide order dated 31.01.2025. The said order was challenged before this Court in Application u/s 482 No. 3982 of 2025. During the pendency of aforesaid petition, two witnesses were examined before learned trial Court including the complainant of the present case. The aforesaid petition was dismissed by this Court vide order dated 14.05.2025. The order passed by this Court in Application u/s 482 No. 3982 of 2025 was challenged before Hon'ble Supreme Court in S.L.P. (Crl.) No. 9625 of 2025. During pendency of aforesaid S.L.P., present application for bail was filed. The aforesaid S.L.P. was filed in June, 2025. Second bail application was filed on 06.11.2025. Thereafter, on 24.11.2025, notice was issued by Hon'ble Supreme Court in the aforesaid S.L.P. and interim order was passed with effect that proceeding in the case in question pending before C.J.M., Ambedkar Nagar shall remain stayed.

3.5. Submission of learned counsel for the applicant is that the applicant was convicted in Case Crime No. 157 of 1990 u/s 147, 148, 149, 307 I.P.C. for a sentence of 7 years imprisonment, vide order dated 04.01.2025. An appeal was preferred before this Court as Crl. Appeal No. 346 of 2025, which was admitted.

3.6. It is lastly submitted that the alleged offenses are triable by learned Magistrate, and the applicant is in jail since 03.11.2023, hence, he may be enlarged on bail.

4. Sri V.K. Shahi, learned Additional Advocate General submits that sufficient evidence is found against the applicant and earlier bail application of the applicant was rejected after considering all the aspects. He further submits that the applicant is having criminal antecedents, hence, he is not entitled for bail.

5. Learned counsel for the complainant vehemently opposes the prayer of the applicant and submits that the applicant was also accused in Case Crime No. 193 of 1996 u/s 147, 352, 506 I.P.C. He further submits that

the witness of the aforesaid F.I.R. was threatened by the applicant, then one F.I.R. was lodged; the applicant has already been acquitted in the aforesaid case. He next submits that some other witnesses also lodged F.I.R.s against the applicant. He also submits that in earlier order, all the aspects were considered and the same was upheld by Hon'ble Supreme Court, hence, no interference is required and the bail application is liable to be rejected.

6. Sri Shahi and learned counsel for the complainant do not dispute the fact that the discharge application of the applicant was rejected by learned Magistrate/trial Court and then the said order was challenged before this Court and this Court also rejected the petition, thereafter, the said order was challenged before Hon'ble Supreme Court and then trial of the case in question was stayed.

7. Considering the submissions of learned counsel for the parties and perusing the record, it is evident that the applicant has already been convicted in one case with 7 year imprisonment. The first bail application of the applicant was rejected with the direction to the trial Court to conclude the trial. Then, the trial was proceeded. As all the offenses are triable by the Magistrate, the discharge application was filed before the Magistrate, which was rejected. The said rejection order was challenged before this Court and the petition was also dismissed. Thereafter, the dismissal order was challenged before Hon'ble Supreme Court and stay order was passed by Hon'ble Supreme Court, as such, the trial of case in question pending before Chief Judicial Magistrate, Ambedkar Nagar, has been stayed. The applicant is in jail since 03.11.2023. Twelve accused persons have already been enlarged on bail. There is only a general allegation of conspiracy against the applicant. Therefore, it is a fit case for bail.

8. The bail application is ***allowed***.

9. Let the applicant- **Pawan Kumar Pandey**, who is involved in aforementioned case crime, be released on bail on his furnishing a personal bond of **Rs. 1,00,000/-** and two sureties in the like amount, subject to following conditions:

- (i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- (ii) 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.
- (iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.
- (iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A I.P.C./269 B.N.S.
- (v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C./84 B.N.S.S. may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A I.P.C./209 B.N.S.
- (vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.
- (vii) The applicant shall not leave the District without getting prior permission of the trial Court.

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

(Rajeev Singh,J.)

March 23, 2026
Arpan