



2026:AHC-LKO:21098

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2105 of 2026

Bindra Prasad

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shiv Pal Singh, Ambrish Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant and learned AGA for the State.
2. By means of this bail application, the applicant, who is involved in Case Crime No. 0255 of 2025, under Sections 108 & 316(2) of BNS, 2023, Police Station- Motipur, District Bahraich is seeking enlargement on bail during the trial.
3. As per the story in the FIR dated 13.05.2025 is that seven named accused persons including the present applicant had killed Lalu-husband of the informant, when he had asked for refund of money from the applicant and Bechelal, which they had taken as loan from the deceased.
4. Learned counsel for the applicant has submitted that initially an FIR was lodged under Section 103(1), 238(b) & 316 (2) of BNS, 2023 but after investigation, the charge-sheet has been filed by converting Section 103(1) of BNS into Section 108 of BNS and Section 316(2) of BNS equivalent to Section 406 and dropped Section 238(b) of BNS. At the time of filing of charge-sheet, the names of five named accused persons from Serial Nos. 3 to 7 mentioned in the FIR have been dropped and the charge sheet has been filed only against the applicant and one co-accused namely Sipahi.
5. It is further submitted that the role assigned in the FIR and the statements is the same as far as co-accused -Sipahi and the applicant are concerned.
6. It is further submitted that co-accused- Sipahi Lal had approached this Court by filing Criminal Misc. Bail Application No. 1933 of 2026 in which bail has been granted by this Court by passing an order dated 18.03.2026, the copy of which has been provided during course of the day, which is taken on record and has submitted that the case of the applicant is squarely covered and he is entitled for the parity of bail granted to co-accused - Sipahi Lal.

7. On the other hand, learned AGA on the basis of instructions received in the matter has submitted that the applicant has been named in the FIR but unable to dispute the parity claimed by the applicant with the bail granted to co-accused Sipahi Lal.

8. After hearing learned counsel for the respective parties and going through the record of the case it is found there was general role against all the accused persons that they had killed the deceased, prima facie it is found that the allegation against the co-accused Sipahi Lal to whom bail has already been granted by this Court is similar to the allegation against the applicant, hence, the applicant is entitled for parity of bail granted to co-accused Sipahi Lal.

9. Accordingly, the instant bail application is allowed.

10. Let the applicant-Bindra Prasad be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant will cooperate with the prosecution during trial.

(ii) The applicant will not tamper with the evidence during trial.

(iii) The applicant will not pressurize/intimidate the prosecution witness(es).

(iv) The applicant shall not commit an offence.

(v) 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.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

11. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

12. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

(Manish Kumar,J.)

March 24, 2026

Nitesh