



2026:AHC:17703

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1247 of 2026

Pradeep Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : G.A., Sanjeev Kumar Singh
Counsel for Opposite Party(s) : Gulafsha, Mohd Shah Liyaqat Rauf,
Omar Zamin

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sanjeev Kumar Singh, learned counsel for the applicant and Sri Omar Zamin, learned counsel for the informant as well as Sri Jai Kishan Chaurasia, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 0463 of 2025, under Sections 103(1), 190, 191(2), 191(3) of BNS, Police Station - Gagaha, District - Gorakhpur**, during the pendency of trial.
4. At the outset, learned counsel for the applicant has claimed parity with the co-accused but his case is not at par with the co-accused as the applicant is visible in the CCTV footage.
5. Learned counsel further submits that the FIR has been lodged with a delay of about two days, for which no plausible explanation has been furnished by the prosecution. It is further submitted that it was a case of mistaken identity, as the deceased person was assaulted after being mistakenly identified as a thief. The alleged offence of mob lynching is stated to have been committed by as many as 17 persons collectively, without any specific or individual role being attributed to the present applicant.
6. Learned counsel has also stated that there is no overt act assigned to the

applicant and the applicant is languishing in jail since 23.08.2025, having no criminal history to his credit, deserves to be released on bail. 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 State Law Officer and learned counsel for the informant have 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 overt act has been assigned to him, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

9. Let the applicant- **Pradeep Kumar**, 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 27, 2026

Siddhant