



2026:AHC:17620

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2634 of 2026

Abhishek

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanjeev Kumar Singh

Counsel for Opposite Party(s) : G.A., Gulafsha, Omar Zamin, Prashant Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Sanjeev Kumar Singh, learned counsel for the applicant, Sri Prashant Mishra, learned counsel for the informant as well as Sri V.K.S. Parmar, learned A.G.A. for the State and perused the record.

3. Applicant seeks bail in Case Crime No.463 of 2025, under Sections 103(1), 190, 191(2), 191(3) BNS, Police Station Gagaha, District Gorakhpur, during the pendency of trial.

4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Ashutosh Kumar has already been enlarged on bail by this Court vide order dated 21.1.2026 passed in Criminal Misc. Bail Application No.2115 of 2025. The applicant is languishing in jail since 23.8.2025, 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 and learned A.G.A. However, the aforesaid factual aspects of parity to the co-accused and of no criminal history of the applicant, have not been disputed by them.

6. Considering the facts and circumstances of the case, submissions made by

learned counsel for the parties, the evidence on record, and also taking into consideration the judgment of the Supreme Court passed in the case of ***Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021*** and the judgment of this Court passed in the case of ***Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cri.L.J. 938*** coupled with the judgment of Supreme Court passed in ***Satender Kumar Antil vs. Central Bureau of Investigation and another reported in 2022 SCC OnLine SC 825***, 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.

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

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

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

10. 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 27, 2026

Vikas Verma