



2026:AHC:18502

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2812 of 2026

Akash Vishwakarma And Another

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Pandey, Rahul Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rahul Yadav, learned counsel for the applicants, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicants seek bail in Case Crime No. 0523 of 2025, under Sections 352, 103, 333, 3(5) BNS, Police Station Kaptanganj, District Kushinagar, during the pendency of trial.
4. As per prosecution story, the applicants alongwith co-accused persons Sumant @ Parle and Khublal are stated to have stabbed the deceased person on 12.11.2025 at about 8.00 pm committing his murder thereupon.
5. Learned counsel for the applicants has argued that the applicants are absolutely innocent and have been falsely implicated in the present case. The FIR is delayed by about twenty hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicants has further argued that there are general and omnibus allegations made in the FIR but subsequently, the roles have been distinguished by the eye-witness namely, Suraj, Anita Devi and Ram Ayodhya. They have categorically stated that the deceased was assaulted by Sumant @ Parle only. The other persons are stated to have accompanied him, as such, the role of the applicant stands distinguished to

Sumant @ Parle. There is no criminal history of the applicants. The applicants are languishing in jail since 15.11.2025 and they are ready to cooperate with trial. In case, the applicants are released on bail, they will not misuse the liberty of bail.

7. Learned A.G.A. has vehemently opposed the bail application.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the role of the applicants have been distinguished by the three eye-witnesses and without expressing any opinion on the merits of the case, *prima facie*, the Court is of the view that the applicants have made out a case for bail. The bail application is **allowed**.

9. Let the applicants- **Akash Vishwakarma and Raghvendra @ Regai**, who are involved in aforementioned case crime 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. Further, before issuing the release order, the sureties be verified.

- (i) The applicants shall not tamper with evidence during trial.
- (ii) The applicants shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicants shall 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 applicants 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 28, 2026

Shalini