



2026:AHC:125241

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18231 of 2026

Pradeep Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pradeep Kumar Rai, Shashi Dhar
Goswami

Counsel for Opposite Party(s) :

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Pradeep Kumar Rai, learned counsel for the applicant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.

2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 371 of 2025, under Sections 103(1), 140(1), 238, 61(2) BNS and 4/25 Arms Act, Police Station- Nonahara, District Ghazipur.

3. Contention of learned counsel for the applicant is that as per prosecution story, the FIR was lodged on 01.12.2025, wherein it has been alleged that son of the first informant while returning along with three friends, the applicant and other co-accused persons assaulted the deceased which resulted in his death. However eye witnesses, who were accompanying the deceased, at the time of incident, stated that they had seen the applicant and his friends abusing and threatening the deceased. Thereafter the deceased left the place and ran away to save his life. They have also escaped from the place of incident to save themselves. Subsequent they found the dead body of the deceased but did not inform about the incident to the father of the deceased. It is further submitted that there was no eye witness of the incident simply because the applicant had chased the deceased itself is not a sufficient evidence showing that the applicant had killed the deceased. It is further submitted that there is no recovery on the pointing out of the applicant. Though one eye witnesses

Dinesh Yadav was introduced after 34 days of the incident, who had stated that he had seen the applicant while the applicant and his friends abducted and taking the deceased on the motorcycle though there is no explanation of such delay which creates doubt over the prosecution story. It is also submitted that the first informant, in his second statement also admitted the fact that he was not aware about the actual culprits, he stated the name of all the persons on the basis of suspicion. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has explained the criminal history of three cases in the accompanying affidavit and he is languishing in jail since 05.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid fact.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC Online SC 3038** as well as guideline of this Court in the case of **Maya Tiwari vs State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is allowed.

6. Let the applicant- **Pradeep Kumar** involved in the aforementioned 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, with the following conditions:-

i. 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.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

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

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

9. Verification of mobile number as well as Aadhaar Card of the applicant and sureties should also be conducted by the court concerned.

10. It is directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Ghazipur Jail Superintendent** via e-mail or e-prison portal and Trial Court via e-mode within 24 hours in compliance of the orders of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No. 4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as in the case of **Pila Pahan @ Peela Pahan and others vs State of Jharkhand and another, in Writ Petition (Criminal) No.169 of 2025** decided on **29.05.2026**.

12. Application, if any, stands disposed of.

(Arun Kumar Singh Deshwal,J.)

June 4, 2026

A.Kr.