



2026:AHC:125747

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18812 of 2026

Akash Mishra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Brijesh Kumar Pandey, Yashwant
Pratap Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Yashwant Pratap Singh along with Sri Brijesh Kumar Pandey, learned counsel for the applicant, Sri Bhupendra Pal 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. 98 of 2026, under Sections 87, 64, 62, 352, 351(2), 3(5) BNS, Police Station- Cantt., District Gorakhpur.
3. Contention of learned counsel for the applicant is that though in the FIR, allegations have been that the applicant has tried to commit rape upon the victim along with two other co-accused persons and the applicant was also arrested on spot by the police. However, there is no eye witness of the incident in question and even the victim did not support the prosecution story in her statement recorded under Section 180 BNSS, therefore, the applicant has been falsely implicated by the police over the dispute of money with constable. It is further submitted that even the medical examination of the alleged victim does not show any mark of injury which itself creates a doubt over the prosecution story. It is lastly submitted that charge sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicant has no criminal history and he is languishing in jail since 08.03.2026. 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- **Akash Mishra** 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 **Gorakhpur 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 5, 2026

A.Kr.