



2026:AHC:124521

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19048 of 2026

Ram Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ardhendu Shekhar Sharma, Ram Babu Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Ram Babu Sharma, learned counsel for the applicant, Sri Roshan Kumar Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 199 of 2025, under Sections- 115(2), 103(1), 238, 140(1) of BNS, Police Station- Wisharatganj, District- Bareilly, during the pendency of the trial.
3. Learned counsel for the applicant submitted that bare perusal of the statement of Gurdas, Shishpal, Hari Singh and Ramkesh, it is clear that the co-accused Manoj and the present applicant have never intended to cause death of the deceased. They have intended just to get mobile phone from the person to whom deceased had handed over the same and they were going to Aonla on the instructions of the deceased and during way to Aonla deceased demanded water near the petrol pump and as soon as the motorcycle was stopped and he ran away. Thereafter, the applicant and co-accused presuming that the deceased has ran away and returned to their home but the deceased while fleeing accidentally fell into a ditch having water which resulted him death due to drowning. Thereafter, applicant has been falsely implicated for committing the murder of the deceased. He further contended that co-accused Manoj Kumar, having similar role to that of the applicant, has already been granted bail by this Court in Criminal Misc. Bail Application No.12359 of 2026 vide order dated 29.04.2026. Therefore, the applicant is entitled to be released on bail on the ground of parity. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 09.10.2025. 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- **Ram Prakash** 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 **Bareilly 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.

June 2, 2026
A.Kr.

(Arun Kumar Singh Deshwal,J.)