



2026:AHC:124731

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19097 of 2026

Pradeep Jaiswar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Vishal Jaiswal

Counsel for Opposite Party(s) : G.A., Kartikey Dubey, Man Mohan Mishra

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Vishal Jaiswal, learned counsel for the applicant, Sri, Man Mohan Mishra, learned counsel for the first informant and Sri Anurag Pandey, 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. 16 of 2026, under Section-103(1) of BNS , Police Station- Sidhauna, District- Varanasi , during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant was not named in the FIR, wherein the allegation has been made that some unknown persons had committed the murder of the son of the first informant while he was travelling by train.

4. It is further submitted by learned counsel for the applicant that it was also mentioned in the FIR that, after the death of the deceased, an amount of Rs. 41,500/- had been transferred to the bank account of one Virendra Kumar from the account of the deceased. During the course of investigation, Virendra Kumar was arrested and, in his confessional statement, the name of the applicant surfaced as an accused. It is further submitted that there is neither any recovery on the pointing out of the applicant nor any other incriminating material against him; yet, he has been falsely implicated in the present case. It is further submitted that the applicant has no criminal history. It is also submitted that the charge-sheet

has already been filed in the present case and, therefore, no custodial interrogation of the applicant is required. The applicant is languishing in jail since 11.02.2026. In case he is granted bail, he shall not misuse the liberty of bail and will cooperate in the trial proceedings.

5. In rebuttal, Sri Man Mohan Mishra, learned counsel for the first informant, submitted that the brother of the co-accused, in his statement recorded under Section 180 of the BNSS, stated that he had seen the applicant and the co-accused going together on 07.01.2026 and, after some time, they had also returned together.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

7. 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 the 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**.

8. Let the applicant- **Pradeep Jaiswar**, 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.

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

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

11. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

12. It is further 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.

13. Office is directed to send a copy of this order to the applicant through **Varanasi Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order 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 **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**.

(Arun Kumar Singh Deshwal,J.)

June 2, 2026

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