



2026:AHC:129300

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 21076 of 2026**

Kanhaiya And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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| Counsel for Applicant(s)      | : | J Shubham, Jitendra Kumar Mishra |
| Counsel for Opposite Party(s) | : | G.A.                             |

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**Court No. - 72**

**HON'BLE DEVENDRA SINGH-I, J.**

1. Heard learned counsel for the applicants, learned A.G.A for the State of U.P. and perused the record.
2. The present bail application has been filed on behalf of the applicant in Case Crime No.114 of 2026, under Sections 191(2), 115(2), 352, 351(3), 109(1) BNS, Police Station- Nawabganj, District- Farrukhabad, with the prayer to enlarge him on bail.
3. Learned counsel for the applicants submitted that the applicants are innocent person and have been falsely implicated in the present case. He further submitted that the applicants are languishing in jail since 15.05.2026. He further submitted that it is case of malicious prosecution based on false allegation in F.I.R. He further submitted that there is no motive to commit the alleged offence. He further submitted that there is no incriminating material has been recovered either from the possession of the applicants or at their pointing out during the course of investigation. It is further submitted that there is no independent witness to support the prosecution version against the applicants. He further submitted that there is no evidence against the applicants and they have been falsely implicated in the present case. In these circumstances, it was submitted that the applicants are entitled to be released on bail. In the event of being enlarged on bail, they shall not misuse the liberty of bail and shall cooperate with the trial proceedings.
4. Learned A.G.A. opposed the prayer for grant of bail to the applicants.

5. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits, I am of the considered view that applicants have made out a case for bail. The bail application is allowed.

6. Let the applicants- **Kanhaiya, Nanhe Singh @ Rammurti and Veer Singh**, who are involved in aforementioned case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

(i) The applicants shall not commit or participate in any offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

(ii) The applicants 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(iii) The applicants shall file an undertaking to the effect that they shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicants shall remain present before the Trial Court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicants misuses the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. (corresponding Section 84 BNSS) may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC (corresponding Section 209 BNS).

(vi) The applicants shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C.

(corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

**June 22, 2026**  
Sanjeet

**(Devendra Singh-I,J.)**