



2026:AHC:129698

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 21086 of 2026

Rishipal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akhilesh Kumar Mishra, Anurag
Dubey
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE VINAI KUMAR DWIVEDI, J.

Heard learned counsel for the applicant, learned Additional Government Advocate representing the State and perused the record.

By means of this bail application, applicant Rishipal, who is involved in Case Crime No. 115 of 2026, under Sections 115(2), 351(2), 352, 105, 3(5), 191(2) of B.N.S., police station Najibabad, district Bijnor, seeks enlargement on bail during the pendency of trial.

It is contended by learned counsel for the applicant that accused-applicant has been named in the F.I.R. Later, during the course of recording of the statement of the complainant by the Investigating Officer, the complainant has made general allegation against the applicant, who has not been named in the F.I.R. No specific and clear-cut role has been assigned by the complainant against the applicant. The co-accused, Monu @ Manmohan, Dharmveer and Sonu Kumar have been enlarged on bail by the Coordinate Bench of this Court vide orders dated 06.05.2026 and 12.05.2026 passed in Criminal Misc. Bail Application Nos. 15447 of 2026, 15593 of 2026 and 15588 of 2026, respectively. Hence, the applicant, Rishipal, is also entitled to be released on bail. The applicant does not have any criminal history to his credit. Lastly, it is submitted by learned counsel for the applicant that there is no chance of the applicant fleeing away from the judicial process or tampering with the prosecution evidence. The applicant is languishing in jail since 03.05.2026 and in case, the applicant is released on bail, he will not misuse the liberty of bail and cooperate with the trial.

Per contra, learned A.G.A. for the State has vehemently opposed the prayer for bail of the applicant, however, he fairly concedes this fact that named accused, Dharamveer and Monu have been enlarged on bail by this Court as noted above. He also submits that the co-accused Mohit, who was named in the F.I.R., has been exonerated during the course of the investigation.

Having heard learned counsel for the parties and examined the matter in its entirety, I find that accused-applicant is not named in the F.I.R. by the complainant. Later, in the statement of the complainant recorded under Section 180 B.N.S.S. by the Investigating Officer, the complainant has also implicated the accused-applicant by making general allegations against him. From perusal of the F.I.R., it also appears that this F.I.R. has been lodged under Sections 115(2), 351(2), 352 B.N.S. against the named accused, Dharamveer, Monu and Mohit. Later, on the death of Rampal, the case was converted under Section 105 B.N.S.

Considering the facts and circumstances of the case as well as keeping in view the nature of the offence, evidence, complicity of the accused and submissions of the learned counsel for the parties, this Court is of the opinion that the applicant has made out a case for bail. Hence, the bail application is hereby allowed.

Let the applicant - **Rishipal** be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions, which are being imposed in the interest of justice:-

- (i) That the applicant shall cooperate in the expeditious disposal of the trial and shall regularly attend the court unless inevitable.
- (ii) That 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.
- (iii) That after his release, the applicant shall not involve in any criminal activity.
- (iv) The identity, status and residential proof of sureties will be verified by

court concerned.

In case of breach of any of the conditions mentioned above, court concerned will be at liberty to cancel the bail.

It is clarified that anything said in this order is limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The trial court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything said in this order.

(Vinai Kumar Dwivedi,J.)

June 30, 2026

Shubham