



2026:AHC:129320

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20528 of 2026

Kishan Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shashi Dhar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 72

HON'BLE DEVENDRA SINGH-I, J.

1. Heard learned counsel for the applicant, 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.335 of 2026, under Sections 303(2) and 317(2) BNS, Police Station-Kotwali Khalilabad, District-Sant Kabir Nagar, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that the applicant is an innocent person and has been falsely implicated in the present case. Apart from this case, applicant has criminal history of four cases, which has been explained in para 12 and 13 of the affidavit, filed in support of the bail application. He is languishing in jail since 04.05.2026. False recovery of Rs.9500/- has been shown from the possession of the applicant by the police as there is no independent eye witness to the alleged recovery. No identical parade has been conducted in the aforesaid case. In these circumstances, it was submitted that the applicant is entitled to be released on bail. In the event of being enlarged on bail, he 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 applicant has made out a case for bail. The bail

application is **allowed**.

6. Let the applicant-**Kishan Kumar**, who is involved in aforementioned case 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 subject to following conditions.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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) The applicant shall file an undertaking to the effect that he 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 applicant shall remain present before the Trial Court on each date fixed, either personally or through his 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 applicant misuses the liberty of bail during trial and in order to secure his 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 applicant 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.

(Devendra Singh-I,J.)

June 22, 2026
Ashutosh