



2026:AHC:127980

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 20126 of 2026

Naresh Kumar @ Fauji

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pushpendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant and the learned A.G.A. for the State of U.P.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 936 of 2025 under Sections 109(1), 3(5), 352 BNS and 3/25/27 Arms Act, Police Station Civil Lines, District Moradabad.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He has nothing to do with the alleged offence. It is further submitted that applicant has been granted bail in an earlier case relating to theft of ATM machine being Case Crime No. 900 of 2025, under Sections 305(e), 317(2), 111(1), 318(4), 338, 336(3), 340(2), 61(2) B.N.S., Police Station- Civil Lines, District- Moradabad and he is said to have been arrested in police encounter, however, no police personnel is said to have received any injury in the alleged incident for which offence the impugned FIR has been lodged. Learned counsel for the applicant next contends that the similarly situated co-accused, namely, Abdul Mateen Kha, Zubair Khan, Hifzoor Rehman Alias Hasnain and Tanzin have been granted bail by a Co-ordinate Bench of this Court vide orders dated 29.04.2026, 25.02.2026, 01.04.2026 and 08.04.2026 passed in Criminal Misc. Bail Application Nos. 8302 of 2026, 4733 of 2026, 8104 of 2026 and 7248 of 2026, respectively. Copies of aforesaid bail orders has been produced by learned counsel for the applicant which are taken on record. He further contends that the criminal antecedent of the applicant has been well

explained in paragraph no. 16 of the bail application and he is in jail since 10.12.2025.

4. Learned A.G.A., on the other hand, opposed the prayer for grant of bail, however, he could not dispute the fact that similarly situated co-accused, namely, Abdul Mateen Kha, Zubair Khan, Hifzoor Rehman Alias Hasnain and Tanzin have been granted bail by a Co-ordinate Bench of this Court.

5. I have considered the rival submissions made by the learned counsel for the parties and perused the material brought on the record.

6. In view of the entire facts and circumstances of the case, especially taking into account the fact that the similarly situated co-accused, namely, Abdul Mateen Kha, Zubair Khan, Hifzoor Rehman Alias Hasnain and Tanzin have been granted bail by a Co-ordinate Bench of this Court and the same orders have not been set aside or stayed by the Hon'ble Supreme Court, and the applicant has been languishing in jail since 10.12.2025, I deem it appropriate to enlarge the applicant on bail.

7. The bail application is **allowed**.

8. Let the applicant- **Naresh Kumar @ Fauji**, who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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. 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.

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

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 17, 2026

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