



2026:AHC:124920

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19247 of 2026

Sachin Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Vakalatnama filed by Sri Pavan Kumar, Advocate on behalf of the first informant in the Court today is taken on record.
2. Heard Sri Bhuvnesh Kumar Singh, learned counsel for the applicant, Sri Ashish Kumar Tiwari, Advocate holding brief of Sri Pavan Kumar, learned counsel for the first informant and Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
3. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No. 143 of 2026, under Sections 190, 191(2), 103(1), 115(2), 140(1), 127, 3(5), 61(2) of B.N.S. Police Station- Chandpur, District Bijnor.
4. Contention of learned counsel for the applicant is that the applicant was not named in the FIR. Subsequently his name was surfaced during investigation though no specific role has been assigned to the applicant. It is further submitted that as per post mortem report of the deceased, he sustained one head injury and three simple injuries. One head injury found to be fatal and no specific role has been assigned to the applicant to cause that injury and even no weapon has been recovered on his pointing out and the same was recovered on the pointing out of the co-accused Nikarant and Sajeet, therefore, the applicant has been falsely implicated merely on the basis of apprehension and doubt. It is further submitted that co-accused Abhinay, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No. 16792 of

2026 vide order dated 18.05.2026. Therefore, the applicant having an identical role, is also entitled to be released on bail on the ground of parity. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. It is lastly submitted that the applicant has no criminal history and he is languishing in jail since 31.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned counsel for the first informant as well as learned A.G.A. for the State have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that similarly situated co-accused has been enlarged on bail 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., 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**.

7. Let the applicant-**Sachin Kumar**, 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.

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

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

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

11. 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.

12. Office is directed to send a copy of this order to the applicant through **Jail Superintendent, Bijnor** 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 3, 2026
SA