2026:AHC:98778

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5174 of 2026

Rahul Rajbhar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amrendra Singh, Vivek Prakash Mishra, Vrat Sheel
Counsel for Opposite Party(s)	:	Devesh Kumar Shukla, G.A., Surya Bhan Singh, Yadvendra Krishan

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Vivek Prakash Mishra, learned counsel for the applicant, Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record. None appears on behalf of the first informant despite service of notice through WhatsApp.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 263 of 2025, under Sections- 191(2), 191(3), 190, 103(1), 352, 351(3) of B.N.S., Police Station- Cantt, District- Prayagraj, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that the applicant is an innocent person and he has been falsely implicated in the present case. He further submitted that a bare perusal of the statement of Gagan, who was allegedly present at the time of incident, reveals that there was a hot talk between the deceased and all other accused persons, and someone has fired upon the deceased, therefore, no specific allegation has been made against any of the accused persons. It is further submitted that from a bare perusal of the post-mortem report, it is clear that the deceased received single firearm injury and the firearm has also been recovered on pointing out of the co-accused Harsh Kumar Pandey, therefore, the applicant has been falsely implicated in the present case despite being the fact that there is no incriminating material against him. It is further submitted that co-accused Kisan Kumar Yadav, has already been released on bail by a coordinate Bench of this Court in Criminal Misc. Bail Application No.

12776 of 2026 vide order dated 16.04.2026. 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 the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 20.12.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. 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**.

6. Let the applicant-**Rahul Rajbhar,** 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.

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

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

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

10. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

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 **Senior Superintendent, Naini Central Jail, Prayagraj** via e-mail or e-prison portal 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.**

(Arun Kumar Singh Deshwal,J.)

April 30, 2026
SA

Digitally signed by :-
SALMAN ALI
High Court of Judicature at Allahabad