



**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1050 of 2026

Rakesh Tiwari

.....Applicant(s)

Versus

State Of U.P. Thru. Secy. Deptt. Of Home Lko.

.....Opposite
Party(s)

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

Court No. - 12

HON'BLE PANKAJ BHATIA, J.

1. This is second bail application of the accused seeking bail in Case Crime No.05 of 2025 under section 103(1) BNS, and section 4/25 Arms Act, P.S. Sammanpur, District Ambedkar Nagar.
2. The first bail application of the applicant was rejected by this court vide order dated 03.11.2025 passed in Criminal Misc. Bail Application No.6179 of 2025.
3. In terms of the Circular issued, second bail application is placed before me.
4. My attention was drawn to the reports circulated in the Live Law with regard to a judgement passed by Hon'ble the Supreme Court in Criminal Appeal No.770 of 2026 (Arising out of SLP (CRL) No.19237 of 2025); Chetram Verma vs. State of U.P., wherein while hearing the Criminal Appeal challenging to a bail order passed by me, Hon'ble the Supreme Court had made the following observations :

"4. The impugned order is one of the most shocking and disappointing orders that we have come across over a period of time.

15 -We fail to understand on plain reading of the impugned order as to what the High Court is trying to convey. What weighed with the High Court in exercising its discretion in favour of the accused for the purpose of grant of bail in a very serious crime like dowry death. What did the High Court do? All that the High Court did, was to record the submission of the defense

counsel and thereafter proceeded to observe that the accused was in jail since 27.07.2025 and there being no criminal history, he was entitled to bail. Accordingly, bail came to be granted.

29- Registry is directed to forward one copy of this order to the Registrar General of the High Court of Allahabad, who in turn shall place this order before Hon'ble the Chief Justice of the High Court of Allahabad."

5. Although, it is well known that there is no judge who can claim that his order never has been set aside or interfered and I also feel from the perusal of the judgment that the bail order granting the bail was apparently subject to interference, however, the observations made in the judgment particularly in paras 4 and 29 have had a huge demoralising and chilling effect on me.

6. In view thereof, I do not deem it appropriate to hear the present bail application.

7. The bail application is released to be placed before Hon'ble the Chief Justice for assigning the same to another Bench with a further request to Hon'ble the Chief Justice not to assign Bail Roster to me in future.

(Pankaj Bhatia,J.)

February 13, 2026

VNP/-