



2026:AHC:161231

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8506 of 2026

Shivshankar Urf Shankar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sher Bahadur Yadav
Counsel for Opposite Party(s)	: Charan Singh, Dilnawaz Ahmad Khan, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. None present on behalf of the informant even in the revised call.
2. Supplementary affidavit filed today on behalf of the applicant, is taken on record.
3. Heard Sri Sher Bahadur Yadav, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA for the State-respondent.
4. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 310 of 2025, under Sections 103(1), 3(5) BNS, Police Station Pawai, District Azamgarh, during pendency of the trial in the court below.
5. Learned counsel for the applicant submitted that it is a case of circumstantial evidence and FIR of the present case was lodged against the applicant and four others with the allegation that they have committed the murder of the deceased but nobody could see the real incident including informant.
6. He further submitted that only evidence against the applicant is that before death as per allegation deceased himself made a call to his cousin brother-Ramawtar and stated that applicant alongwith co-accused Neeraj, Anil and Priyanka badly beaten him and he is lying in the field and except this and a recovery of wooden stick on the pointing out of the applicant, there is no other evidence against the applicant on record.

7. He further submitted that as deceased went alongwith his brother Ramawtar and therefore even if he called him subsequently then it cannot be said that during call he disclosed the name of the applicant and others as assailants and it reflects, a false story has been cooked up by the informant and cousin brother of the deceased namely Ramawtar.

8. He further submitted that as applicant is the friend of Neeraj, the brother of co-accused Priyanka and deceased was having affair with the co-accused Priyanka and therefore, as per prosecution applicant alongwith co-accused Neeraj, the brother of co-accused Priyanka alongiwth her and Anil committed the murder of the deceased but entire allegations are false.

9. He further submitted that during investigation involvement of the co-accused Anil was found false and chargesheet has not been filed against him.

10. He further submitted that merely on the above evidence without any corroborative evidence, prima facie, it cannot be said that applicant involved in the murder of the deceased Narendra.

11. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 15.11.2025.

12. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

13. I have heard learned counsel for the parties and perused the record of the case.

14. However, applicant is named in the FIR alongwith others but it is a case of circumstantial evidence and nobody could see the real incident. As per prosecution, deceased was having affair with the co-accused Priyanka and applicant is friend of Neeraj who was brother of co-accused Priyanka, therefore, alongwith his brother and co-accused Anil and Priyanka he committed the murder of the deceased and in this regard Investigating Officer could collect following two evidences:-

a) Before the death, deceased gave a phone call to his cousin Ramawtar and as per the witness Ramawtar deceased informed him that applicant, brother of Priyanka, i.e co-accused Neeraj, co-accused Priyanka and Anil badly

beaten him.

b) on the pointing out of the applicant one wooden stick was recovered.

15. As far as evidence (a) is concerned without any corroborative evidence it is difficult to presume that on phone deceased informed about the involvement of the applicant and other accused specially considering the facts that witness Ramawtar was brother of the deceased and motive alleged by the prosecution and the fact that involvement of the co-accused Anil during investigation was found false.

16. As far as second circumstance (b) is concerned in considered view of this Court without any other corroborative evidence merely on this basis, prima facie, it cannot be said that applicant committed the murder of the deceased.

17. From the record, prima facie, it reflects, Investigating Officer during investigation could not collect any cogent evidence which can connect the applicant with the instant crime.

18. Further, applicant is having no criminal history and he is in jail in the present matter since 15.11.2025 i.e. for last more than eight months.

19. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

20. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

21. Let the applicant-**Shivshankar Urf Shankar**, be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

22. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

23. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

August 3, 2026
Ankita

(Sameer Jain,J.)