



2026:AHC-LKO:40234

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4007 of 2026

S.P. Tiwari @ Vikas Tiwari

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

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

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.
2. This is first bail application filed on behalf of the applicant who is involved in Case Crime No.382 of 2025, under Sections 115(2), 352, 351(3), 118(1), 117(2), 109, 110, 3(5) BNS, Police Station Gauriganj, District Amethi.
3. It is alleged in the prosecution case that on 11.11.2025 at about 6:00 p.m., four accused persons, including the present applicant, on account of a dispute relating to a betel (paan) shop, assaulted the complainant with an iron rod, pharsa, and axe. As a result of the said assault, the complainant allegedly sustained injuries, including a fracture in his hand and an injury to his head. It is further alleged that the accused persons also assaulted the complainant's sons. One of his sons allegedly suffered fractures in both legs and was initially taken to the District Hospital, from where he was referred to AIIMS, Raebareli for advanced treatment. Another son is stated to have sustained injuries to his head and leg and is undergoing treatment at District Hospital, Gauriganj. It has also been alleged that the complainant's brother, Rakesh, was similarly assaulted during the occurrence.
4. Learned counsel for the applicant submits that the prosecution version contains only general and omnibus allegations against all four

accused persons, including the present applicant, regarding the injuries sustained by the four injured persons. It is contended that none of the injured witnesses has assigned any specific or distinct role to the present applicant. It is further submitted that as per the medical reports, the injuries sustained by the injured persons are simple in nature, except for one fracture of the right ulna bone sustained by Awadhesh and another fracture sustained by Rakesh Sharma. It is argued that both the fractures are on non-vital parts of the body.

5. He has further submitted that co-accused Suraj Tiwari, Chandan Tiwari @ Akash Tiwari and Rambhola @ Vivek Tiwari, have already been enlarged on bail by a Coordinate Bench of this Court vide order dated 20.02.2026, 20.03.2026 passed in Criminal Misc. Bail Application No. 851 of 2026, 1599 of 2026 and 1577 of 2026, respectively. It is, thus, submitted that the present applicant is entitled to parity.

6. It is further submitted that the applicant is languishing in jail since 28.03.2026. There is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

7. Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid facts as argued by the learned counsel for the applicant.

8. On due consideration to the submissions advanced, perusal of the record, the bail order of the co-accused named above so also the fact that the applicant is languishing in jail since 28.03.2026 and without expressing any opinion on the merits of the case, I find it to be a fit case for enlarging the applicant on bail on the ground of parity.

9. Accordingly, the bail application is **allowed**.

10. Let the applicant- **S.P.Tiwari @ Vikas Tiwari** be released in the aforesaid mentioned case 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 which are being

imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) 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.
- (iv) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates 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.
- (v) 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 in accordance with law.
- (vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 84 B.N.S.S. is issued and the 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 209 of B.N.S.

June 4, 2026
Renu/-

(Zafeer Ahmad,J.)