



2026:AHC-LKO:42121

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4748 of 2026

Kishan Tiwari

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Anand Kumar Srivastava, Ankur Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 295 of 2024, under sections 318(4), 338, 336(3), 340(2), 316(5), 61(2) of the B.N.S., 2023, Police Station-Utraula, District -Balrampur, U.P.

Contention of learned counsel for the applicant is that the applicant is innocent and has been falsely implicated in the instant matter due to ulterior motive. He added that the only allegation against the applicant is that he has sent the photographs of the house fully constructed, though, the same was half built. He next added that it is allegation that by such jio tagging, the benefit was given to the beneficiary namely, Rohit Singh. He submits that the applicant is not the beneficiary as no amount has ever been incriminated in his account and the beneficiary is one Rohit Singh, who has already been enlarged on bail. He next submits that there is no criminal history of the applicant. Further added that the applicant is a law abiding citizen and he is languishing in jail since 18-05-2026 and he undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

He further submitted that the identically situated co-accused namely, Kartik

Modanwal has already been enlarged on bail by this court vide order dated 22-01-2025 passed in Criminal Misc. Bail Application No. 643 of 2025 and the applicant is seeking parity of the same.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that there are serious allegations against the applicant and as such, he is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that the applicant is languishing in jail since 18-05-2026; there is no criminal history of the applicant coupled with the fact that the applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case and also considering the fact that the identically situated co-accused named above, has already been enlarged on bail, I find it to be a fit case of bail.

Let the applicant-**Kishan Tiwari**, 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:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) 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. He 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 under Section 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 25, 2026

AKS