



2026:AHC-LKO:40715

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4045 of 2026

Surendra Kumar Sharma Alias Salikram

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashwani Kumar Singh, Ashok Kumar
Yadava

Counsel for Opposite Party(s) : G.A.

Court No. - 11

HON'BLE RAJEEV SINGH, J.

1. Vakaltnama filed by Shri Paritosh Shukla, Advocate on behalf of the informant is taken on record.

Supplementary affidavit filed by learned counsel for the applicant is also taken on record.

2. Heard learned counsel for the applicant, learned A.G.A. for the State and learned counsel for the complainant.

3. The present bail application has been filed by the applicant with prayer to enlarge him on bail in Case FIR No. 73 of 2026 under Sections 3(5), 103(1), 61(2) BNS and Section 3/25/27 Arms Act, Police Station Kudwar, District Sultanpur.

4. Learned counsel for the applicant submits that the applicant has falsely been implicated in the present case. As per the FIR, which was lodged by the son of the deceased claiming himself as eye witness, on one motorcycle, Ramesh Maurya was with a unknown person and on another motorcycle, Anurag was with the applicant; the applicant and pillion rider of Ramesh Maurya opened two fires and one fire hit the father of the informant; at the same time, all the accused persons went away. Thereafter, statement of informant was recorded under Section 180 BNSS, in which, he again reiterated the same version. He further submits

that after one month 20 days, majeed statement of the informant was recorded, in which, he twisted the story by saying that on one motorcycle, which was driven by Ramesh Maurya, the pillion rider was Umesh Chandra Nishad and on the another motorcycle, which was driven by Anurag Maurya, the applicant and one Keshari Upadhyay were the pillion riders; the applicant came down and went to the father of the informant and opened fire, as a result, he received firearm injury. He next submits that in the majeed statement, the informant developed a case, but in the FIR as well as statement under Section 180 BNSS, it was a case of prosecution that two persons opened fire and one fire hit the father of the informant. This fact cannot be identified that whose fire hit the father of the informant. The applicant was also implicated in one case, in which, he was enlarged on bail. He also submits that the applicant is in jail since 29.03.2026 and he is ready to cooperate in the proceedings, hence, he may be enlarged on bail.

5. Learned counsel for the complainant submits that from mobile phone of wife of co-accused Rahul Singh, a missed call was received, thereafter, FIR No. 110 of 2026 under Section 351(2) and 351(3) BNS, Police Station Kudwar, District Sultanpur was lodged on 20.04.2026 against Vivek Kumar Upadhyay and one unknown and there is a life threat which is given by co-accused Rahul Singh, hence, the applicant is not entitled for bail.

6. Considering the submissions of learned counsel for the parties and going through the contents of the bail application as well as other relevant material, it is evident that in the FIR as well as statement under Section 180 BNSS, it is alleged that two persons opened fire and there is one injury found on the body of the deceased. After one month 20 days, in the majeed statement of informant, he changed version by introducing one another person Keshari Upadhyay with the statement that the applicant came down from the motorcycle and went to the father of the informant and opened the fire. There is contradiction in the majeed statement of informant and statement under Section 180 BNSS. Therefore, the applicant is entitled for bail.

7. The bail application is ***allowed***.

8. Let the applicant- **Surendra Kumar Sharma Alias Salikram** who is involved in aforementioned case 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 subject to following conditions:

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date 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.

(iv) 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 under Section 229-A I.P.C./269 B.N.S.

(v) 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./84 B.N.S.S. may be issued and if 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 174-A I.P.C./209 B.N.S.

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C./351 B.N.S.S. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance

with law.

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

10. Investigating Officer is directed to complete the investigation and submit a police report, forthwith.

11. It is open to the applicant to move appropriate application before competent court to get proper security, in case, he is having presumption of threat.

(Rajeev Singh,J.)

June 10, 2026

Arpan