



2026:AHC:172991

## HIGH COURT OF JUDICATURE AT ALLAHABAD

### CRIMINAL MISC. BAIL APPLICATION No. - 765 of 2026

Shivpujan Choudhary

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Dharnidhar Pandey, Kamal Kumar  
Singh, Lackey Keshari, Rajesh Yadav  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 93**

**HON'BLE SANTOSH RAI, J.**

1. This is the second bail application filed on behalf of the application. The first bail application being Criminal Misc. Bail Application No.40567 of 2025 was rejected vide order dated 18.11.2025.
2. Heard learned counsel for the applicant, learned AGA for the State-respondent and perused the record.
3. This second bail application has been moved on behalf of accused-applicant, **Shivpujan Choudhary** seeking enlargement on bail in Case Crime No.170 of 2025 under Sections 191(2), 191(3), 190, 115(2), 118(1), 109(1), 324(5), 352, 351(3), 140(1) and 126(2) BNS, P.S.-Dumariyaganj, District- Siddharthnagar, during pendency of trial.
4. Tersely, as per allegation contained in the FIR, on 11.09.2025, while the complainant's brothers were returning by car, the accused persons intercepted them, abused and assaulted them with lathis/dandas and other weapons, dragged them out of the car and took them towards village Nebua, where they were again beaten and threatened to be killed, causing injuries and loss of a gold chain.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged injuries sustained by the injured persons are simple and not dangerous to life, and the medical opinion indicates that the injuries were caused by a hard and

blunt object. It is further submitted that, during investigation, the complainant informed the Investigating Officer that the injured persons had sustained injuries from the broken window glass of their vehicle, which supports the defence version that the injuries were caused in a car accident. Furthermore, accused-applicant has only one criminal antecedent relating to an offence under the Gambling Act, which has already been explained. The applicant is in jail since 15.09.2025. The investigation has already been concluded and charge-sheet has been submitted. The applicant has not committed the alleged offence and there is no possibility of his tampering with the evidence or influencing the witnesses. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

6. Per contra, learned A.G.A. has opposed the prayer for bail of the applicant by contending that that the applicant's first bail application has already been rejected and no substantial change in circumstances has been shown. Furthermore, the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail.

7. Having considered the submissions that the accused-applicant and the other accused persons are named in the FIR. Admittedly, after culmination of the investigation, the Investigating Officer has submitted the charge-sheet against the accused-applicant and the other accused persons. Though the victim, Sandeep Tripathi, has attributed a specific and distinct role to the accused applicant, Shiv Pujan Chaudhary, alleging that he caused injury with a sharp-edged weapon, as per the instructions received by the learned A.G.A., no sharp-edged weapon has been recovered in the present case. Furthermore, both the parties sustained injuries in the incident and there are cross-cases between the parties. One such criminal case, being Case Crime No. 171 of 2025, has been lodged by Jitendra Chaudhary in respect of the same incident against an unknown person. Admittedly, it has been stated that prior to the incident of marpeet, an Alto vehicle bearing Registration No. UP 43 W 8338 had collided, whereafter the altercation took place. The informant has stated in

his statement that the injury sustained by the injured is alleged to have been caused by the broken glass of the door of the vehicle, which broke at the time of the accident, while the injured was being pulled out of the vehicle through the door. The charge-sheet has already been filed in the present case and, as per the report of the learned trial court, charges have been framed on 13.08.2026. There are as many as 35 prosecution witnesses named in the FIR, out of whom 17 witnesses have already been examined. Furthermore, accused applicant has only one criminal antecedent relating to an offence under the Gambling Act. As per the information contained in the charge-sheet, the age of the accused applicant is more than 50 years and he is in jail since 15.09.2025 and keeping in view the uncertainty regarding conclusion of trial, larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of ***Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677***, dictum of Apex Court in ***Union of India vs. K.A. Najeeb (2021) 3 SCC 713*** & ***Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51*** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and **two heavy sureties** each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) 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.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) 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 of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

9. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

**(Santosh Rai,J.)**

**August 17, 2026**

Ankit.