



2026:AHC-LKO:42359

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 3514 of 2026

Shiv Prasad Yadav

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanket Pandey, Saurabh Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 16

HON'BLE SHREE PRAKASH SINGH, J.

1. Heard learned counsel for the parties and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.293 of 2025 under Sections 103(1), 61(2) of B.N.S. registered at Police Station- Amethi, District- Amethi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.10.2025 against 5 named persons, not including the applicant, and some unknown persons, stating that while the informant's elder brother was returning after doing labour work, the complainant's neighbour Ravi Kashyap and Hube Lal @ Deepak who is the brother-in-law of the complainant's sister, killed him by beating with sticks. The complainant specified that he had a suspicion to this effect and he also stated that his sister Satna, sister's daughter Shobha and Karmaila wife of Ram Abhilakh @ Lallu were also involved in the conspiracy.
4. On 24.10.2025, the complainant gave a written application to the Inspector in-charge stating that he keeps animosity against his sister Satna. Arun Yadav, Diwakar Yadav, Shiv Prasad Yadav and Vansh Raj @ Bantu had visited the house of Satna on the occasion of Diwali. Satna was hatching a conspiracy for eliminating her brother Nirmal. Arun had supported her and had stated that he would get Nirmal eliminated by the other three persons. This conversation was heard and witnessed by the complainant's wife but she disclosed it to him after lodging of the FIR.
5. The complainant's wife also gave a similar statement and she stated that earlier she had not taken this thing seriously and, therefore, she did not tell it to any person. She disclosed it to her

husband after lodging of the FIR. Thereafter, the Investigating Officer recorded the statement of the alleged eye-witness Ram Kumar Yadav and Abhishek Shukla who stated that they had seen Diwakar Yadav, Shiv Prasad Yadav and Vansh Raj assaulting the deceased with sticks.

6. In the affidavit filed in support of the bail application, it has been stated that the applicant is a young man aged 24 years and he has been falsely implicated in the present case. Applicant has no criminal history.

7. The learned counsel for the applicant submitted that Abhishek Shukla was a witness to the inquest proceedings also but he did not disclose that he had witnessed the applicant and the other persons assaulting the deceased from which it appears that he actually had not witnessed the incident and he has been set-up as an eye-witness as an afterthought.

8. The learned A.G.-A. has opposed the bail application on the basis of instructions provided to him and he has submitted that the it is recorded in the case diary that the applicant and the other two persons namely, Diwakar Yadav and Vansh Raj @ Bantu were seen going on a motorcycle towards the place of the incident and it is recorded in a CCTV footage. However, the Court had granted the learned A.G.-A. an opportunity to further verify this fact whether the accused persons were seen in close proximity of time and place of the incident.

9. Upon receiving further written instructions through WhatsApp, the learned AGA states that the applicant and the other two persons were seen a day before the incident and not in close proximity of the time of the incident.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the FIR; that it is strange that the complainant claims that his wife had witnessed and heard the applicant and the other persons involved with the complainant's brother in hatching a conspiracy for eliminating his brother whereas the relations between the complainant and his sister were strained and they were not at talking terms; it is also strange that even after having witnessed the aforesaid conversation, the complainant's wife did not disclose this even after death of the complainant's brother and till filing of the FIR and she disclosed it afterwards; after the aforesaid disclosure made by the complainant, Abhishek Shukla said that he had witnessed the incident whereas Abhishek Shukla was a witness of the inquest proceedings and he has not disclosed this fact earlier which prima facie indicates that Abhishek Shukla has been set-up as an eye-witness as an afterthought, and that while clarifying that the aforesaid observations would not affect the outcome of the trial, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail in the aforesaid case.

11. Accordingly, this bail application stands allowed.

12. Let the applicant- **Shiv Prasad Yadav** be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to following conditions:-

- (i) the applicant shall not tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- (iii) the applicant shall appear on each and every date fixed by the trial Court.

June 30, 2026

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(Shree Prakash Singh,J.)