



2026:AHC:129279

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12677 of 2026

Shivbali @ Addha Sonkar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anjani Kumar, Ashok Kumar Gautam,
Dilip Kumar

Counsel for Opposite Party(s) : G.A., Shri Prakash Dwivedi

Court No. - 71

HON'BLE VIVEK KUMAR SINGH, J.

1. Heard learned counsel for the applicant, Sri Shri Prakash Dwivedi, learned counsel for the informant and the learned A.G.A. for the State of U.P.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 23 of 2026 under Section 103(1), 109(1), 115(2), 351(3), 352, 3(5), 191(2), 74 of B.N.S. and Section 7 of Criminal Law Amendment Act, Police Station- Kotwali Chunar, District- Mirzapur.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The F.I.R. was lodged against ten named accused persons. The applicant is not named in the F.I.R. The allegations have been levelled in the F.I.R. against ten named persons and several unknown persons for assaulting the deceased and other persons. Subsequently, the deceased succumbed to injuries after three days of the incident i.e. on 21.01.2026 though none of the injured made any allegation against the applicant. It is further contended that general role has been levelled against the applicant and other co-accused. The name of the applicant was taken by the injured witnesses on the next day though they were conscious and oriented at the time of their medical examination or at the time of lodging of F.I.R. The injuries of injured persons are simple in nature and it is not made clear by them as to why the applicant was not nominated in the F.I.R. It is further contended that bail application of identically situated co-accused Prince Kumar has been allowed by a co-ordinate Bench of this Court vide order dated 19.05.2026 passed in Crl.

Misc. Bail Application No. 17040 of 2026. The co-accused Prince Kumar was also not named in the F.I.R., however, his name was subsequently taken by witnesses after two months of the incident. The criminal history of the applicant has been well explained in supplementary affidavit filed in support of bail application. Learned counsel for applicant further submits that applicant has been languishing in jail since 22.01.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

4. Per contra, learned A.G.A. as well as learned counsel for the informant have opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail. It is further submitted that case of the applicant is distinguishable from the case of other co-accused who are nominated in the F.I.R.

5. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, explanation of criminal antecedents, and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

7. Let the applicant- **Shivbali @ Addha Sonkar**, who is involved in the 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. Further, before issuing the release order, the sureties be verified.

(i) 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.

(ii) 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 IPC/ 269 B.N.S.

(iii) 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 IPC/ 209 B.N.S.

(iv) 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 of 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.

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

9. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Vivek Kumar Singh,J.)

June 25, 2026

A.P. Pandey