



2026:AHC:129178

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 13850 of 2026**

Vivek Saxena @ Shanu

.....Applicant(s)

Versus

State of U.P.

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Shakti Dubey, Vinay Kumar Tripathi  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 71**

**HON'BLE VIVEK KUMAR SINGH, J.**

1. Heard learned counsel for the applicant 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.597 of 2025, under Sections 103(1), 352 of BNS and Section 3/25/27 of Arms Act, Police Station Sadar Bazar, District Shahjahanpur.
3. Learned counsel for the applicant contended that the applicant is innocent and has been falsely implicated in the present case. It is further contended that the applicant has been attributed the role of causing injury to the deceased Pramod Saxena in the FIR dated 06.10.2025 but during the course of trial, the first informant, who happens to be the wife of the deceased, did not support the prosecution version, therefore, she was declared hostile. The other prosecution witnesses-Vinod Kumar and Pradeep Kumar Saxena, who happens to be real brother of the deceased, were examined in the trial court as PW-2 and PW-3 but they also not supported the prosecution case and they were declared hostile. PW.4 Smt. Anita, PW.5 Smt. Rajani and PW.6-Smt. Shalini Devi, who were close relatives of the deceased, were also declared hostile since they did not support the prosecution case. It is next contended that there is no evidence against the applicant regarding his involvement in alleged offence and there is no possibility of his conviction in the present case. There is no criminal history of the applicant. Learned counsel for applicant lastly contended that applicant has been languishing in jail since

07.10.2025 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. has 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.

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, the absence of any 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- **Vivek Saxena alias Shanu**, 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**

Nitendra