



2026:AHC:21625

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3129 of 2026

Shiv Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashok Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE NALIN KUMAR SRIVASTAVA, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant as well as learned A.G.A for the State and perused the record.
3. Crl. Misc. Exemption Application No.01 of 2026 is allowed.
4. Applicant seeks bail in Case Crime No.722 of 2025, under Sections 115(2), 351(3), 352, 103(1)/3(5) B.N.S., Police Station Jagdishpura, District Agra, during the pendency of trial.
5. As per prosecution story, the applicant alongwith three other co-accused persons namely Vijay, Pawan and Jeetu is stated to have assaulted and caused grievous injuries to the deceased person leading him to death on 24.10.2025 at about 7.30 pm.
6. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. It is further submitted that a delayed F.I.R. was lodged in this case and there is no explanation of the delay on part of the prosecution. It is also submitted that there are general and omnibus allegations against all the accused persons including the applicant. No over act has been assigned to the applicant. Even in her statement under section 180 BNSS the informant Smt. Sunita, wife of the deceased has also not assigned any specific role of assault to the present applicant. Only general role has been assigned to the applicant. It is also submitted that identically placed co-accused Vijay has been granted bail by the coordinate Bench of this Court vide order dated 22.1.2026 passed in Criminal Misc. Bail Application No.2370 of 2026. The role of the applicant is not distinguishable with the role of co-accused, therefore, the applicant is also entitled for bail on the ground of

parity. It is further submitted the applicant has no criminal history to his credit. He is languishing in jail since 26.10.2025. He is ready to cooperate with the trial and in case the applicant is released on bail, he will not misuse the liberty of bail.

7. On the other hand, learned A.G.A. opposed the prayer for bail.

8. The identically placed co-accused has already been released on bail by this Court. Hence, keeping in view the nature of the offence, evidence, complicity of accused, severity of punishment, submissions of the learned counsel for the parties, the dictum of Apex Court in the case of **Dataram Singh vs. State of U.P. and another, (2018) 3 SCC 22** and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

9. Let the applicant **Shiv Kumar** involved in Case Crime No.722 of 2025, under Sections 115(2), 351(3), 352, 103(1)/3(5) B.N.S., Police Station Jagdishpura, District Agra be released on bail on furnishing a personal bond and two heavy 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 will not tamper with the evidence during the trial.

(ii). The applicant will not pressurize/ intimidate the prosecution witness.

(iii). The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

(iv). The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). 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.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

January 30, 2026

SS

(Nalin Kumar Srivastava,J.)