



2026:AHC:2548

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40749 of 2025

Abhishek Shivhara

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Islam Ahmad, Raj Kumar Prajapati
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard learned counsel for the applicant and Shri Arimardan Yadav, learned A.G.A. for the State-respondents and perused the record.

This bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been moved on behalf of accused-applicant, Abhishek Shivhara, seeking enlargement on bail in Case Crime No. 373 of 2025, under Sections 318 (4), 336/(3)/338/340 (2)/ 3(5) BNS and Section 66 I.T. Act and Section 4/21 Mines and Mienral Act, Police Station-Kotwali Nagar, District-Mahoba, during the course of investigation.

Learned counsel for the applicant argued that the accused-applicant is innocent. He has been falsely implicated in this very case crime number and is languishing in jail since 04.09.2025. Learned counsel for the applicant submits that similarly circumstanced co-accused Vikas Rajauriya, has already been enlarged on bail by this Court in Criminal Misc. Bail Application No. 41274 of 2025 vide order dated 08.12.2025. Applicant has no criminal antecedents 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.

Per contra learned A.G.A. has opposed the prayer for bail of the applicant, but could not dispute the fact that similarly circumstanced aforesaid co-accused has already been granted bail by this Court.

Considering all above facts and circumstances, the nature of accusations, severity of the punishment in the case of conviction and nature of supporting evidence, reasonable apprehension of tampering with the witness and prima facie case, but without commenting on merit of case, a case for bail is made out.

Accordingly, the bail application is allowed.

Let the accused-applicant, ***Abhishek Shivhara***, involved in above mentioned case crime number be released on bail, on his executing a personal bond and two reliable sureties each, in the like amount to the satisfaction of the court concerned, subject to the following conditions:

1. The applicant will not tamper with the evidence.
2. The applicant will not indulge in any criminal activity.
3. The applicant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
4. The applicant will appear regularly on each and every date fixed by the trial court, unless his personal appearance is exempted through counsel by the court concerned.

In the event of breach of any of the aforesaid conditions, the court below will be at liberty to proceed to cancel his bail.

(Ashutosh Srivastava,J.)

January 7, 2026

Deepak/