



2026:AHC:6198

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42098 of 2025

Shivam Pathak Alias Banti Pathak

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Gaurav Kumar Singh, learned counsel for the applicant, Shri Punit Kumar Singh, learned AGA 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, Shivam Pathak Alias Banti Pathak, seeking enlargement on bail in Case Crime No. 273 of 2025, under Sections 191(2), 191(3), 109(1), 115(2), 352, 351(3), 35 of the Bharatiya Nyaya Sanhita, 2023, and Section 3/25 of Arms Act, Police Station Bakhira, District Sant Kabir Nagar.

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 27.7.2025. Charge sheet in this case has already been filed on 21.9.2025 and charges have been framed against the applicant on 31.10.2025. General allegations have been levelled against the applicant. Learned counsel for the applicant submits that similarly circumstanced co-accused Anurag Singh @ Don has already been enlarged on bail by co-ordinate Bench of this Court on 28.11.2025 in Criminal Misc. Bail Application No. 35306 of 2025. He has no criminal antecedent 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 aforesaid fact.

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, **Shivam Pathak Alias Banti Pathak**, 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 9, 2026
Ravi Prakash