



2026:AHC-LKO:20255

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 10237 of 2025

Monu Mishra @ Shiv Shakti Mishra

.....Applicant(s)

Versus

State Of U.P. Thru. Adll Chief Secy./Prin. Secy.
Deptt. Of Home Lko. And Another

.....Opposite
Party(s)

Counsel for Applicant(s) : Lakshmi Kant Tripathi, Priya Singh
Counsel for Opposite Party(s) : G.A

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard Ms. Deeksha Singh, Advocate holding brief of Shri Lakshmi Kant Tripathi, learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 293 of 2024, under Sections 103(1) and 115(2) B.N.S, Police Station-Thakurganj, District-Lucknow.
3. While pressing the instant application, learned counsel for the applicant submitted that the applicant is innocent and he has falsely been implicated in the present case.
4. It is stated that the applicant, namely Monu Mishra @ Shiv Shakti Mishra named in the F.I.R No.293 of 2024 lodged on 11.07.2024, under sections 103(1) and 115(2) B.N.S, Police Station-Thakurganj, District-Lucknow, having no criminal history, is in jail since 11.07.2024.
5. It is further stated that according to the F.I.R, it is the applicant, who caused fatal injured to the son of the informant, aged about 6 years.
6. It is further stated that statement of the informant/eyewitness namely Kajal @ Ankita Vishwakarma wife of Ramesh Kumar (mother of the deceased), has been recorded before the trial court, a copy whereof has been annexed at page 10 to the rejoinder affidavit dated 19.12.2025. A

perusal thereof indicates that said witness has not supported the story of the prosecution and, therefore, she was declared hostile. Upon being cross-examined by the State Counsel after being permitted by the trial court, nothing could be elicited against the applicant.

7. It is further stated that considering the aforesaid facts particularly that the main witness of the fact has not supported the story of prosecution before the trial court and also the period of incarceration w.e.f. 11.07.2024, the present application is liable to be **allowed** and the applicant be enlarged on bail. In case of being enlarged on bail, the applicant will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

8. Learned A.G.A. opposed the prayer for bail, however he could not dispute the aforesaid contentions of counsel for the applicant.

9. Upon due consideration of the facts and circumstances of the case, submissions of counsel for the applicant and learned A.G.A., F.I.R. as also the fact that the applicant is in jail since 11.07.2024 as also the chances of conviction of the applicant in the instant case as well as that the main witnesses of fact, named above, has not supported the story of prosecution, this Court finds that the present applicant is liable to be allowed. Accordingly, it is allowed.

10. Let the applicant- **Monu Mishra @ Shiv Shakti Mishra** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties each of the like amount to the satisfaction of the court concerned subject to following conditions :-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution witness(es).
- (iv) The applicant shall not commit an offence.

(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.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

11. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

12. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observation made in this order.

(Saurabh Lavania,J.)

March 19, 2026

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