



2026:AHC:4992

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43434 of 2025

Shivam Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Harsh Kumar Srivastava, learned counsel for the applicant and Sri Sunil Kumar, learned A.G.A. for the State and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 135 of 2025, under Sections 103(1), 115(2), 352, 351(3) of BNS, Police Station - Hussainganj, District - Fatehpur**, during the pendency of trial.
4. As per prosecution story, the applicant along with two named co-accused is stated to have assaulted the informant's son (now deceased) with lathi, danda and bricks on 06.06.2025 at about 05:00 p.m., and thereafter is also alleged to have caused injury to the informant on the right palm of his hand. It is further alleged in the FIR that the applicant and other co-accused persons strangled the deceased.
5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is further argued that the FIR is delayed by about one day, and no plausible explanation for such delay has been furnished, which casts serious doubt on the veracity of the prosecution story.
6. Learned counsel further contends that the allegations are *prima facie*

false and concocted. The applicant himself sustained injuries in the same incident, and there exists a cross-version of the occurrence. At this stage, it cannot be conclusively determined as to which party was the aggressor; rather, it is the case of the applicant that the deceased was the aggressor who rushed to the place of occurrence. An application under Section 175(3) BNSS was moved before the concerned Magistrate, who was pleased to treat the same as a complaint case, thereby lending credence to the defence version.

7. Learned counsel lastly submits that the allegation regarding strangulation of the deceased stands falsified by the post-mortem report. No injury was found on the neck of the deceased. On the contrary, the cause of death is attributed to cranial injuries, and even the brain matter was found to be lacerated, which completely contradicts the prosecution's allegation of death by strangulation. The applicant is languishing in jail since 11.6.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA has vehemently opposed the bail application but unable to dispute the submissions raised by the learned counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment and also considering the delay in lodging the FIR and the discrepancy in the post-mortem report, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Shivam Singh**, who is involved in 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.

iii) The applicant will appear before the trial court on the date fixed.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. 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.

(Krishan Pahal,J.)

January 8, 2026

Siddhant