



2026:AHC-LKO:19444

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1083 of 2026

Saurabh Yadav @ Sher Singh @ Shera

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Atul Verma, Akhilendra Pratap Singh,
Vinod Kumar Yadav

Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard 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 FIR/Case Crime No.679/2025, under Sections 309 (6), 103(1), 238, 3(5) of BNS and Section 25/27 of Arms Act, Police Station - Chinhat, 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. Learned counsel for the applicant has further submitted that the case of the prosecution as indicted in the F.I.R. is completely false, concocted and bogus.
5. It is next submitted that co-accused Akhil and Arvind Singh @ Kallu having similar role have already been released on bail vide order(s) dated 17.02.2026 and 27.01.2026, passed in Criminal Misc. Bail Application No.796 of 2026 and Criminal Misc. Bail Application No.12043 of 2025 respectively. The relevant portion of one of the order(s), referred i.e. order dated 17.02.2026, passed in Criminal Misc. Bail application No.796 of 2026 is extracted herein under :-

"1. Counter affidavit filed today, is taken on record.

2. Heard learned counsel for the applicant, learned Additional Government Advocate for the State of U.P. and perused the record.

3. The present bail application has been filed by the applicant seeking bail in FIR/Case Crime No.0679 of 2025 under sections 309(6)/103(1)/238/3(5) BNS, P.S.-Chinhat, District-Lucknow.

4. While pressing the application for bail, learned Counsel for the applicant submitted that applicant has been falsely implicated in the present case.

5. It is also stated that co-accused Arvind Singh @ Kallu has already been enlarged on bail by this Court vide order dated 27.01.2026 passed in criminal misc. Bail application no. 12043 of 2025. The relevant portion of the order dated 27.01.2026 reads as under:-

"2. The present application has been filed on behalf of the applicant seeking bail in FIR/Case Crime No.0211/2025, under Sections 103(1), 309(6), 238, 3(5) of BNS, Section 3/25 Arms Act, Police Station - Malihabad, 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. Learned counsel for the applicant has further submitted that it is the case of blind murder. No one is the eye witness of the incident to support the case of the prosecution and even nobody is the witness of the last seen.

5. Learned counsel for the applicant has next submitted that the name of the applicant surfaced during investigation in the statement(s) of the co-accused who were apprehended and arrested on 22.09.2025. According to the co-accused, the applicant was also involved in the crime/murder of Sarvesh Yadav, son of the informant in connection to which a missing report was initially lodged, according to which the deceased was missing since 20.08.2025.

6. Learned counsel further submitted that the body/skeleton was recovered on the pointing out of the co-accused Sourabh Yadav, Vijay Yadav and Akhil Yadav from the open place. Learned counsel for the applicant next submitted that till date the D.N.A. report to connect the applicant with the crime has not been placed on record by the prosecution. In these circumstances, the applicant, who has no criminal history, has not committed any crime and is languishing in jail since 29.10.2025, is entitled to be released on bail. In case of being enlarged on bail, he will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

7. Learned A.G.A. has opposed the prayer of the applicant. However, he could not dispute the above contention made by the applicant's counsel.

8. Considering the arguments advanced by the learned counsel for the applicant, learned

A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, allowed.

9. Let the applicant -Arvind Singh @ Kallu be released..... "

5. It is further stated that the applicant is in judicial custody since 21.09.2025. It is also submitted that there is no apprehension that after being released on bail, the applicant may flee from the course of law or may otherwise misuse the liberty of bail and the possibility of conclusion of trial in near future is extremely bleak. In these circumstances, the applicant is entitled to be released on bail.

6. Learned A.G.A. opposed the prayer for grant of bail but he could not dispute the above contentions made by the learned counsel for the accused-applicant.

7. Considering the facts and circumstances of the case, perusing the record and also considering the nature of allegations, arguments advanced by the learned counsel for the parties including which are related to allegations made in the FIR and co-accused persons have already been released on bail by this Court and keeping in mind the period of incarceration as also the chance of conclusion of trial in near future and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail.

8. Let the applicant-Akhil Yadav be released on bail in aforesaid Case Crime....."

6. In these circumstances, the applicant, who is having criminal history of one case which is explained in paragraph 39 of the affidavit filed in support of the bail application, and is languishing in jail since 22.09.2025, is entitled to be released on bail on the ground of parity. In case of being enlarged on bail, he will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

7. Learned A.G.A. has opposed the prayer of the applicant. However, he could not dispute the above contention made by the applicant's counsel.

8. Considering the arguments advanced by the learned counsel for the applicant, learned A.G.A. and going through the contents of the application, F.I.R., as well as other relevant documents and also the applicant's criminal history as also the ground of parity and without going into the merits of the case, this Court is of the view that the application has substance and it is accordingly, allowed.

9. Let the applicant - **Saurabh Yadav @ Sher Singh @ Shera** be released on bail in the aforesaid case crime number on his furnishing personal bond

of Rs. 25,000/- and two reliable sureties, out of which one should be of the family member/close relative, in 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.

10. 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.

11. 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 17, 2026

ML/-