



2026:AHC-LKO:20504

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 474 of 2026

Ayush Tiwari @ Ayush Kumar Tiwari

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Anil Kumar, Arun Kumar Dwivedi,
Manoj Kumar Dwivedi

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

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Heard the learned counsel for the applicant and Sri S.P. Tiwari, the learned AGA for the State of U.P. as well as perused the record.

2. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 335/2025, under Sections- 316(2), 319(2), 318(4), 338, 351(3) B.N.S., Police Station- Amethi, District- Amethi.

3. While pressing the present application, the learned counsel for the applicant stated that the allegations against the applicant levelled in the FIR in issue registered on 03.12.2025 as Case Crime No. 0335/2025, under Sections- 351(3), 338, 318(4), 319(2), 316(2) B.N.S. at Police Station- Amethi, District- Amethi, in connection to which the applicant having criminal history of eight cases and the same has been explained in paragraph 24 of the affidavit filed in support of the instant bail application, which has not been refuted by the learned AGA, are false and concocted.

5. It is further stated that levelling similar allegations as have been levelled in the FIR in issue registered as Case Crime No. 0335/2025, two FIR(s) registered as Case Crime No(s). 247/2025 and 337/2025 were also lodged against the applicant, in which the applicant has already been enlarged on bail by this Court vide orders dated 10.11.2025 and 12.02.2026, respectively, passed in Criminal Misc. Bail Application Nos. 10293 of 2025 and 419 of 2026.

6. The order dated 12.02.2026, referred, passed in Criminal Misc. Bail Application No. 419 of 2026 reads as under:-

"Heard learned counsel for the applicant, learned AGA for the State and perused the record.

Learned counsel for the applicant submits that earlier FIR No. 247/2025, registered under Sections 316(2), 319(2), 318(4), 338 and 351(3) of the Bharatiya Nyaya Sanhita, had already been lodged in respect of the same incident, wherein both the applicant and the co-accused persons have been granted bail. The bail order passed in favour of the applicant has been annexed as Annexure No. 4 to the present bail application.

It is further submitted that the applicant is not named in the present FIR and on the same set of allegations, this FIR has been lodged by a different student. Several other FIRs have also been registered in connection with the same incident. The applicant is already facing trial in Case Crime No. 247/2025 and, therefore, the present prosecution amounts to double jeopardy. It is also contended that the complainant has not assigned any specific role to the present applicant in his statement and only general and vague allegations have been levelled by another student. Learned counsel further submits that the applicant has no concern with the Institute of Paramedical Sciences and is neither the Manager nor the Clerk thereof. The applicant is languishing in judicial custody since 15.09.2025. The criminal history of the applicant has been duly explained in paragraph 24 of the bail application.

It is further submitted that there is no possibility of the applicant of fleeing away after being released from jail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

Per contra, learned AGA has opposed the bail application, submitting that as per the statements of the prosecution witnesses, the applicant was working as Deputy Manager (Consultant) in the aforesaid institute. It is further submitted that the investigation is still in progress.

Having considered the submissions and upon due consideration to the facts and circumstances of the case, particularly that the alleged offences are triable by the Magistrate, the applicant is not named in the FIR, he has already been enlarged on bail in Case Crime No. 247/2025 which appears to have been registered for the same occurrence, and further considering that the applicant is in judicial custody since 15.09.2025, this Court finds it to be a fit case for granting bail to the applicant.

Accordingly, the bail application is allowed.

Let the applicant Ayush Tiwari @ Ayush Kumar Tiwari, involved in FIR/Case Crime No.337/2025, U/s- 316(2), 319(2), 318(4), 338, 351(3) B.N.S. (Section 504, 416, 420, 367, 506 I.P.C.), Police Station- Amethi, District- Amethi, be released on bail in the aforementioned case on furnishing a personal bond and two sureties each in the like amount to the

satisfaction of Magistrate/Court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial Court.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial."

7. It is further stated that in these circumstances, the present application is liable to be allowed and the applicant may 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, the submissions of counsel for the applicant and learned A.G.A., F.I.R. as also the fact that levelling similar allegations as have been levelled in the FIR in issue, two FIR(s), indicated above, were also lodged against the applicant in which the applicant has already been enlarged on bail by this Court and also that the applicant is in jail since 15.09.2025 and also the chances of conviction of the applicant in the instant case, this Court finds that the present applicant is liable to be allowed. Accordingly, it is **allowed**.

10. Let the applicant- **Ayush Tiwari @ Ayush Kumar Tiwari** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties (one of family member/close relative) 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 observations made in this order.

(Saurabh Lavania,J.)

March 20, 2026

Arun/-