



2026:AHC-LKO:21277

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2059 of 2026

Shani @ Shanidev

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jay Prakash Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Supplementary affidavit filed today is taken on record.
2. Heard learned counsel for the applicant and learned A.G.A for the State and perused the record.
3. By means of this application, the applicant, who is involved in Case Crime No. 627 of 2024, under Sections 103(1), 351(3), 61(2)(a) B.N.S (Section 302, 506, 120-B) I.P.C), Police Station Antu, District-Pratapgarh is seeking enlargement on bail during the trial.
4. As per the version in the FIR dated 03.12.2024, it is alleged that the deceased, who was the brother of the complainant/informant, had an altercation with the applicant during a marriage function. Consequently, all five named accused persons armed with lathi and danda, assaulted the deceased which resulted in his death.
5. Learned counsel for the applicant submits that during the course of investigation, the name of co-accused Dinesh Kumar has been dropped and no chargesheet has been filed against him. It is further submitted that there are general allegations against all the accused persons regarding assaulting the deceased with lathi and danda. It is also submitted that co-accused persons namely Bholanath Verma, Ashok @ Ashok Kumar Verma have already been granted bail by co-ordinate bench of this court vide orders dated 13.11.2025 and 15.10.2025 in Criminal Misc. Bail Application Nos. 6273 of 2025 and 3718 of 2025 respectively and co-accused Kuldeep Verma has been granted bail by the Sessions Court vide order 04.02.2026 in Bail Application No. 4775 of 2025. The copies of the said bail orders have been filed along with the present application. It is contended that the applicant is

also entitled to be released on bail, on the ground of parity, particularly in light of bail granted to co-accused Ashok @ Ashok Kumar Verma as similar allegation of hitting the deceased was levelled against co-accused Ashok, who has already been granted bail.

6. It is further submitted that the applicant has no previous criminal history and he is in jail since 03.12.2024.

7. Per contra, learned A.G.A has vehemently opposed the bail application and has submitted that PW-3, in his examination-in-chief, has stated that he had seen the applicant following the deceased Ayodhya.

8. In reply, learned counsel for the applicant submitted that during cross-examination, PW-3 categorically stated that he had not seen the applicant following the deceased and had only come to know about the death of the deceased Ayodhya from villagers.

9. Considering the submissions advanced by learned counsel for the parties, the nature of allegations, and particularly the fact that co-accused persons who were assigned similar role have already been granted bail, this Court finds that the role attributed to the applicant is similar to that of the co-accused who have been enlarged on bail. Accordingly, the applicant has made out a case for grant of bail on the ground of parity.

10. Accordingly, the instant bail application is **allowed**.

11. Let the applicant **Shani @ Shanidev** be released on bail in the aforesaid case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the 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.

12. 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.

13. 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.

March 25, 2026
DiVYa

(Manish Kumar,J.)