



2026:AHC-LKO:21964

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2200 of 2026

Shivam Dwivedi @ K.D

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	: Sheel Nidhi Shukla, Priya Mishra
Counsel for Opposite Party(s)	: G.A.

Court No. - 18

HON'BLE KARUNESH SINGH PAWAR, J.

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

In the prosecution case, it has been alleged that on 27.03.2024 at about 9:00 p.m., the brother of the complainant, namely Gyan Prakash, was called by Subham Pandey, K.D., and two other unknown persons to Anand Vihar Colony, Police Station Para. It is further alleged that upon reaching there, he was brutally assaulted by the said persons, as a result of which he sustained grievous injuries and was subsequently admitted for treatment at the Trauma Centre.

Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. It has been pointed out that the criminal history of the applicant, consisting of two cases, has been duly explained in paragraph 26 of the bail application. It is further submitted that the applicant is in judicial custody since 13.12.2024. Learned counsel has argued that only general allegations have been levelled in the prosecution case against two named and two unnamed accused persons, without specifying the role of any individual accused. In particular, it is not clear as to which of the accused persons is alleged to have inflicted the fatal blow upon the injured.

It has also been contended that although the alleged incident took place on 27.03.2024, the injured was admitted in the emergency ward only on

30.03.2024, after a delay of three days. Learned counsel has questioned this delay by submitting that if the injuries were indeed so grievous in nature, there is no plausible explanation as to why the injured did not seek immediate medical attention. It has further been submitted that no initial medico-legal examination of the injured was conducted.

Learned counsel has further submitted that although the incident is alleged to have occurred on 27.03.2024, the applicant was taken into custody by the Investigating Officer only after a considerable lapse of time, i.e., on 13.12.2024. It has also been brought to the notice of the Court that the charge-sheet has already been filed. It is argued that the applicant has been falsely implicated and the medical report dated 30.03.2024 appears to be manipulated. Additionally, it has been submitted that although the place of occurrence is situated in a residential locality having several houses, the Investigating Officer has not recorded the statements of any independent witnesses.

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 Additional Government Advocate has opposed the bail application by submitting that an iron rod has been recovered on the pointing out of the applicant, which connects him with the alleged offence.

Upon due consideration of the submissions advanced by learned counsel for the parties and upon perusal of the material available on record, it is evident that no test identification parade has been conducted in the present case. Further, at this stage, there appears to be no satisfactory explanation for the delay between the date of the alleged incident, i.e., 27.03.2024, and the admission of the injured to the emergency ward on 30.03.2024. Taking into account these aspects, coupled with the fact that the charge-sheet has already been submitted and considering the period of incarceration already undergone by the applicant, this Court finds that the case is a fit one for granting bail to the applicant.

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

Let the applicant ***Shivam Dwivedi @ K.D***, involved in Case Crime/FIR No. 164/2024, Under Sections 323/506/326 IPC, Police Station Para, District Lucknow, 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.

(Karunesh Singh Pawar,J.)

March 28, 2026
R.C.