



2026:AHC-LKO:22403

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 2278 of 2026

Vijay Bahadur Yadav @ Vijay Yadav

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s) : Amit Kumar Singh, Virijendra Kumar
Singh, Vishwadip Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE MANISH KUMAR, J.

1. Heard learned counsel for the applicant, learned AGA for the State and Sri Ramakar Shukla, Advocate who has filed his vakalatnama on behalf of the complainant (which is taken on record).

2. By means of this application preferred under Section 483 BNSS/439 Cr.P.C., the applicant, who is involved in Case Crime No. 461 of 2025, under Sections 140(1)/103(1)/61(2)/238/3(5) BNS (corresponding Sections 364A/302/120-B/201/34 IPC), Police Station- Chanda, District Sultanpur is seeking enlargement on bail during the trial.

3. Brief facts of the present case are that on 07.12.2025 at about 13.17 hours, an FIR has been lodged under Sections 140(1)/103(1)/61(2)/238/3(5) BNS (corresponding Sections 364A/302/120-B/201/34 IPC) against ten named accused persons including the present applicant alleging therein that the cousin brother of the informant namely Aman Yadav aged about 21 years of age had come to pick the informant from his house. He called the informant but the call could not be received and that is why, the informant tried to contact Aman Yadav (the deceased) on his mobile and after sometime, it was found that the mobile is switched off, then, he left his house to search Aman Yadav and near Ishipur Flyover, he found abandoned motorcycle of the deceased (Aman Yadav) and he got information from some persons around there that at about 07.45 PM some people on Ertiga Car took one person by beating and thrashing and it has also been informed that the names of those persons who are named in the FIR including the present applicant. They had killed his cousin brother at Parasnath Inter College and thrown his body in Gomti river.

4. Learned counsel for the applicant has submitted that as per the story in the FIR and the statement given by the informant under Section 180 BNSS that he gathered information from the people around there, where the abandoned motorcycle was found and they told the names of accused persons. The police on the basis of the said statement checked the video footage of that area and

recorded the statements of five persons who had seen the incident and who were around the place of incident as per the FIR but none of those five persons have taken the name of the applicant. They have taken the names of other six co-accused persons in their statement.

5. It is further submitted that the name of the applicant has cropped up for the first time in the statement of one Sri Uma Shankar, who has alleged himself as uncle of the deceased (Aman Yadav) and his statement was recorded as an eye-witness of the incident.

6. It is further submitted that the applicant has criminal history of three cases, the details of which have been given in paragraph 19 of the affidavit filed along with the bail application out of which in two cases, he is already enlarged on bail. The copies of the bail orders have already been enclosed along with the paper book and in one case, he has neither received any notice or summons till date.

7. On the other hand, learned AGA and Sri Ramakar Shukla, learned counsel for the informant/complainant while opposing the bail application have submitted that in the statement of eye-witness namely Uma Shankar, the name of the applicant is there.

8. It is further submitted that Uma Shankar had seen the incident of beating his nephew deceased- Aman Yadav in the light of the vehicle, he recognized all the persons, hence the offence is made out against the applicant also.

9. In reply, learned counsel for the applicant has submitted that the statement of alleged eye witness was recorded after eighteen days of the incident and if he was the eye witness and he narrated the incident to the family member of the deceased - Aman Yadav on the same day of incident, then why the FIR was not lodged immediately. The FIR was lodged on the next day at around 1.00 PM. He was not the eye witness otherwise the informant must have stated the said fact in the FIR and in his statement, so he has been introduced as an eye witness of the incident otherwise there is no eye witness to the incident as narrated in the FIR.

10. After hearing learned counsel for the respective parties and going through the record of the case, prima facie, it appears that the persons from whom the informant got the information about the incident, the police during the investigation from the CCTV footage of that area had recorded the statements of five persons and those persons had taken the names of other six co-accused persons but the name of the applicant was not taken by them. The name of the applicant for the first time was cropped up in the statement of the alleged eye witness Uma Shankar (the uncle of the deceased-Aman Yadav) which was recorded after 18 days of incident and his statement appears to be doubtful for the reason that when he had seen the incident and intimate the same to the father of the deceased- Aman Yadav, at the very same time by returning home, then why the FIR was not lodged either by the father of the deceased or by alleged eye witness- Uma Shankar immediately which prima facie makes the prosecution story suspicious against the applicant.

11. Prima facie, it is found that it is a fit case for grant of bail to the applicant. Accordingly, the instant bail application is allowed.

12. Let the applicant- Vijay Bahadur Yadav @ Vijay Yadav 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.

13. 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.

14. 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.

(Manish Kumar,J.)

March 31, 2026

Nitesh