



2026:AHC:19557

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 2815 of 2026

Shesh Kumar Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akhilesh Kumar Tripathi, Pankaj Kumar Yadav
Counsel for Opposite Party(s)	:	G.A., Raj Narayan Gupta

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Akhilesh Kumar Tripathi, learned counsel for the applicant, Sri Raj Narayan Gupta, learned counsel for the informant as well as Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 267 of 2025, under Sections 103(1) BNS and 30 Arms Act, Police Station Usrahaar, District Etawah, during the pendency of trial.
4. As per prosecution story, the applicant is stated to have shot at the son of the informant from his licensed pistol on 30.11.2025 at about 11.00 pm during a marriage ceremony over an altercation. The injured person was rushed to the Safai Medical College from where he was taken to Pushpanjali Hospital, as such, the FIR was instituted the next day on 1.12.2025 at 16.50 hours.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about seventeen hours and there is no explanation of the said delay caused.
6. Learned counsel for the applicant has further argued that it is true that the deceased had sustained gunshot injury but the case of joy firing has been converted to that of homicide. Several persons were firing during a marriage

procession and accidentally someone's fire hit the deceased, the case has been converted to that of homicide, as such, the applicant is entitled for bail. There is no criminal history of the applicant. The applicant is languishing in jail since 2.12.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that the deceased person was rushed from one hospital to another and ultimately, to Medanta Hospital from where he was taken to Gwalior and en-route, he expired but the cause of death was the injury sustained in the incident as mentioned in the FIR. It is not the case of joy firing. It is a brutal murder. There is eye-witness account that the applicant deliberately fired at the deceased.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay in FIR and the deceased sustained injuries during the marriage procession and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

9. Let the applicant- **Shesh Kumar Yadav**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

10. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

11. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 28, 2026\Shalini