



2026:AHC:126406

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 17822 of 2026

Shiv Prasad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhishek Kumar, Sunita Chauhan
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE SANJIV KUMAR, J.

1. Heard Ms. Sunit Chauhan, learned counsel for the applicant and learned A.G.A. for the State and also perused the material placed on record.
2. The present bail application has been filed on behalf of the applicant in Case Crime/FIR No.219 of 2021, under Sections 395, 397, 412 and 413 I.P.C., Police Station- Bardah, District- Azamgarh, with the prayer to enlarge him on bail.
3. Learned counsel for the applicant submitted that applicant is innocent person and has been falsely implicated in the case. It is also submitted that the FIR has been lodged against unknown persons and thereafter, in a fake encounter the police has arrested the applicant. It is also submitted that there is no public witness of the alleged recovery and no test identification has been conducted. It is also submitted that there is no evidence that the alleged recovered property belongs to the present case. It is next submitted that the applicant/ appellant has explained his criminal history and his is on bail in other cases and the case under the gangster act has been lodged after this case. The applicant/ appellant is in jail since 31.12.2021. He further submitted that co-accused, namely, Dharmendra Banwasi and Sonu Banwasi have already been granted bail by Co-ordinate Bench this Court, vide orders dated 16.05.2022 and 14.07.2022 passed in Criminal Misc. Bail Application No.16091 of 2022 and Criminal Misc. Bail Application No.27448 of 2022, respectively. In these circumstances, the applicant is also entitled for bail. In case of being enlarged on bail, he will not misuse the liberty of bail.
4. During course of arguments, learned counsel for the applicant placed

before this Court a photocopy of bail order of co-accused, namely, Dharmendra Banwasi and Sonu Banwasi is taken on record.

5. Learned A.G.A. has opposed the prayer for grant of bail and has submitted that the applicant is a history sheeter, but has fairly conceded that similarly situated co-accused – have already been granted bail.

6. Considering the submissions made by learned counsel for the applicant and learned A.G.A. and going through the record as well as order of co-accused, this Court is of the view that it is a fit case for bail. The bail application is allowed on the ground of parity.

7. Let the applicant-**Shiv Prasad**, 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.

(i) The applicant shall not commit or participate in any offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(ii) 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.

(iii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iv) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC (corresponding Section 269 BNS).

(v) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., (corresponding Section 84 BNSS) may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the

Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC (corresponding Section 209 BNS).

(vi) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C (corresponding Section 351 BNSS). If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

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

June 9, 2026
AdityaG

(Sanjiv Kumar,J.)