



2026:AHC:125067

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19181 of 2026

Shivam Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Pankaj Kumar Mishra
Counsel for Opposite Party(s)	:	G.A.

Court No. - 5

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Saurabh Mishra, learned counsel for the applicant, Sri Surendra Singh, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 164 of 2025 under Sections 85, 80(2)m 115(2), 351(3), 89 BNS and 3/4 DP Act, Police Station Bharthana, District Etawah during the pendency of the trial.
3. Learned counsel for the applicant has submitted that co-accused Sharda Devi has already been granted bail by a Co-ordinate Bench of this Court vide order dated 17.4.2026 passed in Criminal Misc. Bail Application No. 12829 of 2026. It is further submitted that PW1 and PW2 i.e. father and mother of the deceased have turned hostile before the learned trial court and they have not supported the allegations made in the FIR. It is further submitted that as per the FIR, applicant and two other accused persons are said to have harassed and tortured the deceased i.e. wife of the applicant in connection with demand of dowry as a result of which, she sustained multiple injuries on her person and consequently died. It is further submitted that as per the postmortem report, cause of death of the deceased has been shown as coma due to antemortem injuries. The applicant has been languishing in jail

since 17.6.2025. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submits that the deceased was tortured and beaten by the applicant and other accused persons in connection with demand of dowry as a result of which, she died.

5. Applicant is husband of the deceased who is said to have been tortured and assaulted by him and other accused persons, however, during trial, PW1 and PW2 i.e. father and mother of the deceased have turned hostile before the learned trial court and they have not supported the allegations made in the FIR.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in 2025 SCC OnLine SC 3038 as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in 2024 SCC Online All 6765 regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Accordingly, the present application is **ALLOWED**.

8. Let the applicant **Shivam Yadav** involved in the aforementioned 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, with the following conditions:-

(i) 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.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond executed by him.

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

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **concerned Jail Superintendent** via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in (2024) 10 SCC 685.

(Jitendra Kumar Sinha,J.)

June 3, 2026
Madhurima