



2026:AHC:127468

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19877 of 2026

Shreeniwas

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shubham Kumar

Counsel for Opposite Party(s) : Ajeet Mishra, G.A., Mandavi, Parvat Singh

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. Vakalatnama filed by Sri Devi Dayal, Advocate on behalf of informant is taken on record.

2. Heard Sri Shubham Kumar, learned counsel for the applicant, Sri Devi Dayal, learned counsel for the informant and the learned A.G.A. for the State of U.P.

3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 25 of 2026 under Section 115(2), 352, 351(3), 126(2), 105 BNS, 2023, Police Station- Dauki, District- Agra.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The alleged incident had taken place on 31.01.2026 at 20:00 hrs whereas the FIR was lodged on 05.02.2026. The delay of five days in lodging the FIR has not been properly explained by the prosecution. The FIR was lodged after due consultation and deliberation. Though, it is alleged in the FIR that injury was caused to the injured by fist and blow and bamboo stick but in the statement of eye witness Ramnath, recorded during the course of investigation, he stated that the applicant and other co-accused caused injury to the injured/deceased by fist and blow. No weapon was attributed by the aforesaid witness to the applicant. It is admitted by alleged eye witness Ramnath that the deceased consumed alcohol prior to the incident and he was in a drunken state. As per the postmortem report, the deceased sustained injury over his head but it is

not made clear by the witness as to who was the author of the said injury. General and vague allegations have been leveled against the applicant and other co-accused. The deceased died after seven days of the alleged incident. The applicant has no criminal antecedents to his credit. Learned counsel for applicant further submits that applicant has been languishing in jail since 07.04.2026 and in case, he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

5. Per contra, learned A.G.A. has opposed the prayer for grant of bail to the applicant and submitted that there is ample evidence against the applicant regarding his involvement in the offence, therefore, he is not entitled to be released on bail.

6. Having considered the rival submissions advanced by learned counsel for the parties, the nature of accusations, the evidence brought on record, the period of incarceration undergone by the applicant, the absence of any criminal antecedents and without expressing any opinion on the merits of the case, this Court finds that the applicant has made out a case for grant of bail.

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

8. Let the applicant- **Shreeniwas** who is involved in the 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 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.

(ii) 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/ 269 B.N.S.

(iii) 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./ 84 B.N.S.S., 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/ 209 B.N.S.

(iv) 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./ 351 of B.N.S.S. 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.

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

10. 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.

(Vivek Kumar Singh,J.)

June 16, 2026

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