



2026:AHC:129124

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9405 of 2026

Piyush Shivhare

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Abdul Majeed, Gunjan Yadav, Sufia Saba

Counsel for Opposite Party(s) : Fakhruzzaman, G.A.

Court No. - 69

HON'BLE SANTOSH RAI, J.

1. Heard learned counsel for the applicant, learned counsel for the informant, learned AGA for the State-respondent and perused the record.

2. This bail application has been moved on behalf of accused-applicant, **Piyush Shivhare** seeking enlargement on bail in Case Crime No.13 of 2025 under Sections 352, 118(1), 126(2), 110, 115(2), 351(2) and 109 BNS, P.S.- Kotwali Konch District- Jalaun, during pendency of trial.

3. Tersely, as per the prosecution version, the accused-applicant alongwith co-accused Brijbihari Shivhare and some unknown persons have caused injury to the injured.

4. Learned counsel for the applicant submits that he has not committed any offence as alleged in the FIR and he has falsely been implicated in this case due to ulterior motive. He further submits that there is cross case being Case Crime No.17 of 2025 registered under Sections 115(2), 351(2) and 118(2) BNS wherein Mohit, Atul, Santram Kushwaha and some other unknown persons are named. Furthermore, the accused-applicant has also sustained grievous injury in his hand and both the parties sustained injury in this incident. He further submits that in the present case an independent witness Vishnu has stated in his statement that the finger of the accused-applicant was bitten by one of the persons in this incident. In the medical report of the injured Atul Kushwaha, only one injury was noted on the vital part (head) and thus, the allegation of repeated blow on the injured

Atul is not reliable on the basis of the medical report available on record. Neither sharp weapon injury was caused in this incident or sharp weapon was recovered. Furthermore, the accused-applicant has no criminal history and is in jail since 09.01.2026. Furthermore, as per submission of learned AGA, chargesheet has already been filed in this case. Submission is that the conclusion of trial will take sufficiently long and there is no likelihood of his fleeing from course of justice or tampering with evidence in case of release on bail. Hence, bail has been prayed for.

5. Per contra, learned A.G.A. and learned counsel for the informant have opposed the prayer for bail of the applicant and submit that as per FIR, the accused-applicant has caused injury on the vital part (head) of the injured and as per the doctor, injury was of grievous nature. They further contended that the innocence of the applicant cannot be adjudged at pre trial stage, therefore, he does not deserve any indulgence. In case the applicant is released on bail, he will again indulge in similar activities and will misuse the liberty of bail but they admitted the fact that cross-case has been registered by the accused side against the informant side being Case Crime No.17 of 2025 and the accused-applicant has no criminal history.

6. Having considered the submissions that though the accused-applicant is named in the FIR alongwith co-accused Brijbihari Shivhare and some unknown persons but in the FIR it is stated that injury has been caused by sharp weapon while as per the injury report, the injured was caused by hard and blunt objection meaning thereby the allegation made in the FIR does not corroborate with the medical evidence/injury report. In the medical report of Atul Kushwaha, only one grievous injury was noted on his head i.e., injury no.2. Admittedly, cross-case has been registered by the accused side against the informant side being Case Crime No.17 of 2025 under Sections 115(2), 351(2) and 118(2) BNS. Injury report of the accused-applicant Piyush Shivhare is also available on record in which amputation of distal phalanx of 4th finger was noted. Admittedly, both the parties sustained injury in this incident. As per submission of learned AGA, chargesheet has already been filed in this case and, therefore, there is no reasonable possibility of intimidating and pressurizing the prosecution witnesses, accused-applicant has no criminal history and is in

jail since 09.01.2026 and keeping in view the uncertainty regarding conclusion of trial, larger mandate of the Article 21 of the Constitution of India, considering paragraph no.53 of Apex Court in case of ***Manish Sisodia vs. Directorate of Enforcement 2024 (SC) LawSuit 677***, dictum of Apex Court in ***Union of India vs. K.A. Najeeb (2021) 3 SCC 713*** & ***Satender Kumar Antil vs. Central Bureau of Investigation & Anr. (2022) 10 SCC 51*** and without expressing any opinion on the merits of the case, let the applicant involved in the aforesaid crime be released on bail on his furnishing personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that:-

- (i) The applicant shall not tamper with the evidence or threaten the witnesses.
- (ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court.
- (iii) The applicant shall remain present before the trial court on each date fixed, either personally or as directed by the court concerned.
- (iv) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement of accused personally to explain circumstances appearing in the evidence against him.
- (v) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, the trial court shall initiate proceedings against him strictly in accordance with law.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail by the trial court.

8. Identity and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Santosh Rai,J.)

June 25, 2026

Ankit.