



2026:AHC:127738

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19313 of 2026

Sri Narayan Tiwari

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mahadeo Singh Chandel
Counsel for Opposite Party(s)	:	Anirudh Singh, G.A.

Court No. - 45

HON'BLE VIVEK KUMAR SINGH, J.

1. No one appears on behalf of first informant in revised call, however, learned counsel for the applicant and the learned A.G.A. for the State of U.P. are present.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 181 of 2026, under Sections 61(2), 105 of B.N.S., Police Station- Bisanda, District- Banda.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. Initially, the F.I.R. was lodged under Section 106(1) of B.N.S. (corresponding Section 304-A of I.P.C.). Later on the case was converted into Section 105, 61(2) of B.N.S. (corresponding Sections 304, 120-B of I.P.C.). The applicant is not named in the F.I.R. The F.I.R. was lodged against co-accused Krishna Mohan Tiwari, Arti, and the deceased was got admitted by the applicant in the hospital of the aforesaid co-accused. The applicant was driver of the ambulance and he has no role to play with the alleged offence. On the request of informant, the deceased was dropped in the hospital. After death of the deceased, a story was concocted by the informant in order to make out an offence against the applicant and the doctors of the hospital. The alleged incident had taken place on 11.04.2026. There is no explanation of this inordinate delay in lodging the F.I.R. There is no criminal history of the applicant. Learned counsel for applicant further submits that applicant has been languishing in jail since 06.05.2026 and in case, he is released on bail, he will not misuse

the liberty of bail and will cooperate in trial.

4. 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.

5. I have considered the rival submissions of the parties and perused the record.

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- **Sri Narayan Tiwari**, 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 17, 2026
A.P. Pandey