



2026:AHC:187956

**HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31893 of 2026**

Shivam Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Harish Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Harish Yadav, learned counsel for the applicant, Sri Vivek Singh, learned counsel for the informant as well as Sri R.M. Yadav, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 166 of 2026, under Sections 103(1), 238 BNS, Police Station Sector 63 Noida, District Gautam Buddha Nagar, during the pendency of trial.

ARGUMENTS ON BEHALF OF APPLICANT:

4. The applicant is absolutely innocent and has been falsely implicated in the present case. The FIR is delayed by about fifty days and there is no explanation of the said delay caused. The application u/s 173(4) was already filed on 31.3.2026.
5. The applicant is not named in the FIR. Although it is mentioned that he is the person, who was driving the Discovery Car No. UP 16 BY 4637.
6. There is no test identification parade conducted as per Section 7 of the Indian Evidence Act to establish the presence of applicant at the place of occurrence.
7. The name of applicant was surfaced for the first time in the statement of witness, Satyawar Yadav, on 25.4.2025.
8. The statement of the eye-witness, Sandeep Yadav, was recorded after a

delay of fifteen days from the date of institution of FIR i.e. on 10.5.2026, whereby the applicant has been assigned the role of having committed the said offence along with the co-accused persons.

9. Even the CCTV footage is not conclusive, as it does not indicate the active participation of the applicant

10. There is no criminal history of the applicant. The applicant is languishing in jail since 31.5.2026 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

11. The name of applicant indirectly finds mention itself in the FIR.

12. The CCTV footage from the place of occurrence, which would have been conclusive from the neighbourhood by the police, has been deliberately got deleted by the applicant and the co-accused persons.

CONCLUSION:

13. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that FIR is delayed by fifty days and that the statement of the eye-witness has been taken belatedly after about fifteen days from the date of institution of FIR and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

14. Let the applicant- **Shivam Yadav**, 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 verification of sureties, with the condition that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

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

16. 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.

(Krishan Pahal,J.)

September 9, 2026
Shalini