2026:AHC-LKO:40237

HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW

CRIMINAL MISC. BAIL APPLICATION No. - 7721 of 2025

Umashankar Tiwari

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Shailendra Kumar Tiwari, Anand Kumar Tiwari, Sukh Deo Singh
Counsel for Opposite Party(s)	:	G.A., Surya Bhan Singh

Court No. - 12

HON'BLE ZAFEER AHMAD, J.

1.Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the record.

2. This Court on 19.03.2026 has passed the following order.

> *"Learned counsel for the applicant and learned A.G.A. are present.*
>
> *Learned counsel for the applicant is present but despite given opportunity, learned counsel for the complainant is not appearing.As a last opportunity, the case is adjourned.*
>
> *List this case on 28.3.2026.*
>
> *No further adjournment would be given to any party on any ground, failing which the matter shall decided on its merits, on the next date, after hearing learned counsel for the applicant as well as learned A.G.A.."*

3. Despite a last opportunity being granted to the complainant, none is present in the Court.

4. Learned counsel for the applicant submits that the applicant is not named in the first information report and his name has been surfaced on the basis of statement of co-accused. He further submits that no recovery

has been made from the possession of applicant and till date the main accused have not been caught. He further submits that co-accused person, namely Shivansh Mishra has been granted bail by a coordinate Bench of this Court vide order dated 24.04.2026 passed in Criminal Misc Bail Application No.7656 of 2025. Hence, he claims parity. The applicant having no criminal history and is in jail since 26.6.2025. It is further submitted that there is no possibility of the applicant of fleeing away after being released on bail or tampering with the witnesses. In case the applicant is enlarged on bail, he shall not misuse the liberty of bail.

5. Learned A.G.A. opposed the prayer for bail.

6. Considering the facts and circumstances of the case, the fact that the applicant has no criminal history, the applicant is not named in the first information report, no recovery being made from the applicant, his name surfaced from the statement of co-accused, the period for which the applicant is in jail and without expressing any opinion on the merit of the case, I find it to be a fit case for enlarging the applicant on bail.

7. Let the applicant **Umashanker Tiwari**, involved in Case Crime No.0013 of 2024 under sections 316(2), 319(2), 318(4), 338, 336(3), 340(2), 61(2) BNS, 66D I.T. Act, P,S. Cyber Crime Amethi, district Amethi 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 which are being imposed in the interest of justice:-

(i) The applicant will not tamper with the prosecution evidence during the trial.

(ii) The applicant will not pressurize/ intimidate the prosecution witness.

(iii) 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 and he shall appear on each and every date fixed by the trial 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.

Any other condition(s) which the trial court/court concerned may deem fit and proper, in the circumstances of the case, may also be imposed.

8. The application is allowed accordingly.

9. It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merit of the trial.

(Zafeer Ahmad,J.)

June 4, 2026
Renu/-

Digitally signed by :-
RENU AGARWAL
High Court of Judicature at Allahabad,
Lucknow Bench