HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27988 of 2026

Shivam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ayush Mishra, Dinesh Kumar, Prabha Shanker Mishra
Counsel for Opposite Party(s)	:	Sanjeev Kumar, Ajay Kumar Singh, Amber Khanna, G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Prabha Shanker Mishra, learned counsel for the applicant, Sri Ajay Kumar Singh, learned counsel for informant and Sri Vijay Bahadur Maurya, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 154 of 2026, under Sections 103(1), 109(1), 3(5) BNS, Police Station Rahra, District Amroha during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is named in the FIR along with others and according to the prosecution applicant due to previous enmity by crushing the deceased committed his murder through his vehicle and even in the incident one Satyendra also sustained injury but entire allegation leveled against applicant is totally false.

4. He further submits, from the statement of injured Satyendra, which has been annexed at page-51 of the paper-book it reflects, applicant hit the deceased Ram Niwas through his vehicle which was in high speed and injured also sustained injury but post mortem report suggests that deceased sustained as many as eleven injuries including number of abraded contusions and laceration therefore post mortem report does not corroborate the prosecution case. He further submits, even if prosecution case is accepted then also it cannot be said that it is not a case of accident.

5. He further submits, only due to previous enmity applicant has been made accused in the present matter and it reflects, nobody could see the real

incident.

6. He further submits, apart from the present case applicant is having criminal history of one another case but his criminal history has been explained in the instant bail application and even that case relates to minor offence. He further submits, in the present matter applicant is in jail since 26.06.2026.

7. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, from the statements of injured and other witnesses it is apparent that applicant hit the deceased through his vehicle due to which he died and even injured Satyendra sustained injuries but could not dispute the fact that post mortem report suggests that deceased sustained as many as 11 injuries including number of abraded contusions and lacerated wounds.

8. I have heard learned counsel for the parties and perused the record of the case.

9. However, as per prosecution, due to previous dispute applicant with intention to commit the murder of the deceased hit him through his vehicle and even in the incident one Satyendra sustained injury but post mortem report suggests that deceased sustained as many as 11 injuries including number of abraded contusions and laceration. Considering the post mortem report of the deceased, this Court finds merit in the argument advanced by learned counsel for the applicant that prima facie post mortem report does not corroborate the case of the prosecution.

10. Further, this Court also finds merit in the argument advanced by learned counsel for applicant that even considering the statements of witnesses, possibility of accidental death at this stage cannot be ruled out.

11. Further, however, apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

12. Further, in the present matter applicant is in jail since 26.06.2026.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case,

the instant bail application is **allowed**.

15. Let the applicant - Shivam be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

October 29, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad