HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38941 of 2026

Himanshu Tiwari @ Lakhan Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Abhishek Tiwari, Ashish Pandey, Mahesh Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Sri Prashant Kumar Tripathi, Advocate has filed his Vakalatnama on behalf of the informant, the same is taken on record.

2. Heard learned counsel for the applicant and Sri Prashant Kumar Tripathi, learned counsel for the informant and Sri N. K. Sharma, learned AGA for the State-opposite party. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No.150 of 2026, under Sections 191(2), 118(1), 115(2), 352, 110, 105, 111(2)(1) B.N.S., Police Station- Koraon, District- Prayagraj, during the pendency of the trial.

4. Counsel for the applicant contends that the applicant has been falsely implicated in the present case. The incident is alleged to have occurred on 19.05.2026, whereas the first information report was lodged on 20.05.2026. The delay in lodging the first information report is fatal to the prosecution case. As per the allegations contained in the first information report eight named accused including the applicant and some unknown persons are alleged to have assaulted five persons namely, Arjun Mishra, Vidya Kant Shukla, Ganesh Prasad Shukla, Deepak Shukla and Shashi Kant Shukla. The injured Arjun Mishra was initially admitted at Acura Critical Care Hospital, Prayagraj on 19.05.2026 at 10:47 p.m. and was discharged on 25.05.2026 at 10:53 a.m. Thereafter, he was again admitted at Apollomedics Super Speciality Hospital, Lucknow on 25.05.2026 at 4:30 p.m. He succumbed to the injuries on 26.05.2026 at 11:40 a.m. The postmortem was conducted on 26.05.2026. As per the postmortem report, he had sustained thirteen injuries, out of which four injuries were found on the head region, while the remaining injuries were found on various parts of the body. In the opinion of the doctor, the cause of death is *coma due to antemortem head injury as*

noted. It is next contended that, apart from Arjun Mishra (deceased), no other person sustained any injury. The injury reports of the other injured persons are not available in the case diary. In this regard, reliance has also been placed upon the questionnaire dated 09.09.2026, annexed as annexure no.4 to the bail application. It is further contended that a vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender, who caused head injuries to the deceased. At this stage, there is no corroborative evidence to link the applicant with the offence. The applicant is neither a member of any organized crime syndicate nor he acted on behalf of such syndicate. Co-accused Anil Tiwari @ Anoop Tiwari has been granted bail by this Court vide order dated 13.10.2026 passed in Criminal Misc. Bail Application No.36507 of 2026. The applicant claims parity. The applicant is in jail since 12.06.2026 having no criminal history and in case, he is enlarged on bail, he will not misuse the liberty of bail.

5. Learned counsel for the informant and learned AGA for the State have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record this Court prima facie finds that first information report has been lodged belatedly. Vague and general allegations have been levelled against the applicant. The applicant has not been nominated as the principal offender, who caused the head injuries to the deceased. At this stage, there is no corroborative evidence to link the applicant with the offence. Co-accused Anil Tiwari @ Anoop Tiwari has been granted bail by this Court. Moreover, the applicant has no criminal antecedents and has remained confined for more than four months and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Himanshu Tiwari @ Lakhan Tiwari**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

8. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

November 2, 2026
Abhishek

(Vivek Varma,J.)

Digitally signed by :-
ABHISHEK SINGH
High Court of Judicature at Allahabad