HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38766 of 2026

Sagar Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Saurabh Pathak
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Rahul Kumar, Advocate holding brief of Sri Saurabh Pathak, learned counsel for the applicant, Sri Ashish Goyal, learned counsel for the informant, 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.353 of 2026, Under Sections 109(1), 126(2) of BNS, Police Station Dibiyapur, District Auraiya, during the pendency of trial.

4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has been assigned the role of having assisted the co-accused, whereas the role of causing the gunshot injury has been assigned solely to co-accused Shivam Tiwari. The applicant has no criminal history and has been in jail since 29.09.2026. He undertakes to cooperate with the trial and not to misuse the liberty of bail.

5. Learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

6. The case of the applicant stands distinguished to the co-accused Shivam Tiwari.

7. 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 the role of causing gunshot injury has been assigned to Shivam Tiwari, 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**.

8. Let the applicant- **Sagar Tiwari**, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

(Krishan Pahal,J.)

November 2, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad