



UPLK010082242026

COURT OF THE SESSIONS JUDGE, LUCKNOW.

PRESIDING OFFICER : MALKHAN SINGH, H.J.S.

BAIL APPLICATION (U/S 483 B.N.S.S.) NUMBER : 4052/2026.

Sarvan, aged about 27 years, S/O Nand Kishore, R/O Pathapurwa Takrohi Indira Nagar, Lucknow. Permanent Address- Dhuiyapurwa, P.S. Gudamba, Lucknow.

.....ACCUSED/APPLICANT.

VERSUS

State of Uttar Pradesh.

.....PROSECUTION.

Case Crime Number: 28/2026.

U/Section: 305(a), 331(4) BNS.

Police Station: Vibhuti Khand,

District: Lucknow.

03.07.2026.

This application praying for bail under Section 483 BNSS, supported with an affidavit, has been moved on behalf of applicant **Sarvan** in Case Crime Number and Sections aforementioned.

In a nutshell, the Prosecution Case is that on 15.01.2026 at about 10 AM, informant Surya Jaiswal received informant from his neighbor that theft took place at his residence wherein checking the CCTV footage he found that theft took place at his residence whereon neighbor complaint on Dial 112. Upon checking the CCTV footage it was found that in mid of 3:00 to 4:00 in the night, five unknown persons came in a auto wherein four masked man checked the nearby houses then break into informant's house, three of them entered into informant's house, one of them stayed outside the house looking for others. After sometime, three of them came out from the house with a bag in their hand. It is alleged that jewellery and Rs. 1,80,000/- has been stolen by unknown persons.

Heard learned counsel for the applicant as well as learned D.G.C. (CrI.) and perused the material available on record.

Learned counsel for the applicant submitted that applicant is innocent, has committed no offence and has been falsely implicated in this case. FIR has been lodged against unknown persons. There is an inordinate and unexplained delay of 19 hours in registration of FIR. Applicant is not named in the FIR. There is no independent witness of the alleged recovery-cum-arrest memo. Co-accused Santosh Kashyap @ Rahul Kashyap has already been granted bail in this case. False recovery has been shown. No test identification parade has been done by the Police. Alleged offence entails punishment of less than seven years and is triable by Magistrate. Apart from the present case applicant has two other previous cases against him in which he has already been granted bail. Applicant is languishing in jail since 20.04.2026.

Learned D.G.C. (Criminal) for State has vehemently argued that the applicant alongwith co-accused persons break into the house of informant and committed theft in the said house. Applicant was arrested alongwith the e-rickshaw which is used in commission of the offence.

Allegations against applicant are of breaking into informant's house in his absence and stealing away jewellery and Rs. 1,80,000/-. Though applicant is not

named in the first information report, however, at the time of arrest of co-accused Shyam Sundar @ Sonu by Police, items concerned with this case are said to be recovered, on the basis of which as well as his disclosure statement, he confessed that he committed the offence in connivance with co-accused persons namely Santosh Kashyap @ Rahul, Sarvan (accused/applicant) and Diwakar are arraigned as accused in this case. However, no independent or public witness has been enjoined with the alleged arrest-cum-recovery memo. Alleged offence entails punishment of less than upto seven years and is triable by Magistrate. Applicant is stated to be languishing in jail since 20.04.2026. Accused/applicant has explained about his previous criminal history in his bail application in which he has already been granted bail. Co-accused Santosh Kashyap @ Rahul has already been granted bail by this Court in Bail Application No. 2152/2026, vide order dated 10.04.2026.

After hearing learned counsel for both the parties, keeping in mind the entire facts and circumstance of the case, without commenting on merits of the Case, grounds for granting bail are found sufficient.

ORDER

Accordingly, bail application is **allowed**. Let accused/applicant **Sarvan** be released on bail in this case on his furnishing a personal bond of **Rs. 40,000/-** alongwith one surety, in the like amount to the satisfaction of court concerned subject to filing an undertaking so as to abide by the conditions enumerated in Section 480(3) BNSS.

Date: 03.07.2026.

(Malkhan Singh)
Sessions Judge,
Lucknow.