



2026:AHC:166505

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3195 of 2026

Ramawadh @ Sheru Rajbhar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Deepesh Kumar Ojha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Abhinav Mishra, advocate holding brief of Sri Deepesh Kumar Ojha, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.187 of 2020, under Sections 302, 411, 394 IPC, Police Station Baresar, District Ghazipur, during pendency of the trial.
4. Learned counsel for the applicant submits, applicant was not named in the FIR but during investigation without any cogent evidence on the basis of statement of co-accused he has been made accused in the present matter. He next submits, except the statement of co-accused and confessional statement of applicant before the police there is no cogent evidence against the applicant on record.
5. He next submits, actually applicant is having criminal history of 18 other cases and therefore during investigation police implicated him in the present matter.
6. He further argued, entire criminal history of the applicant has been explained and in majority of the cases he is on bail.
7. He next submits, even in the present matter applicant is in jail since

18.12.2020 i.e. for last more than five and half years.

8. He next submits, considering the long incarceration of the applicant merely on the basis of criminal history of the applicant it is not proper to reject his bail application.

9. He further argued, therefore considering the above facts applicant may be enlarged on bail.

10. Per contra, learned AGA opposed the prayer for bail and submits, applicant is hardened criminal and apart from the present case he is having criminal history of 18 other cases but could not dispute the other argument on facts advanced by learned counsel for the applicant.

11. I have heard both the parties and perused the record of the case.

12. It reflects, applicant was not named in the FIR and during investigation very casually without any cogent evidence he has been made accused.

13. Further, however apart from the present case applicant is having criminal history of 18 other cases but his entire criminal history has been explained. Further, even in considered view of this Court considering the evidence available against the applicant on record and his incarceration of more than five and half years merely on the basis of criminal history of the applicant it is not proper to withhold the instant bail application. It also reflects, however applicant is in jail for last more than five and half years but till date trial of the case could not be concluded and therefore it reflects, fundamental right of speedy trial of the applicant has been violated.

14. The Apex Court in the case of **Sahil Manoj Machare Vs. The State of Maharashtra, SLP (Criminal) No.7502 of 2026, decided on 04.05.2026**, granted bail to an accused facing trial of murder on the ground that he was in jail for four years and while granting bail to him Apex Court in paragraph-6 observed as under:-

"6. We are mindful of the fact that the petitioner is charged with the offence of murder but time and again, we have said that howsoever serious the crime

may be, if the right of speedy trial is infringed, then Court must consider the plea for bail appropriately."

15. Further, law is settled, if otherwise case of bail is made out then merely on the basis of criminal antecedents ordinarily bail application should not be withheld.

16. The Apex Court in the case of **Ayub Khan Vs. State of Rajasthan, 2024 SCC OnLine SC 3763** in paragraph-10 also observed as follows:-

"10. The presence of the antecedents of the accused is only one of the several considerations for deciding the prayer for bail made by him. In a given case, if the accused makes out a strong prima facie case, depending upon the fact situation and period of incarceration, the presence of antecedents may not be a ground to deny bail. There may be a case where a Court can grant bail only on the grounds of long incarceration. The presence of antecedents may not be relevant in such a case. In a given case, the Court may grant default bail. Again, the antecedents of the accused are irrelevant in such a case. Thus, depending upon the peculiar facts, the Court can grant bail notwithstanding the existence of the antecedents....."

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

18. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

19. Let the applicant - **Ramawadh @ Sheru Rajbhar** 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.

20. 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.

21. 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.

(Sameer Jain,J.)

August 5, 2026
Shahroz