



2026:AHC:8153

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29797 of 2025

Amarjeet Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Kumar Pandey, Raj Kishor
Mishra, Vidit Narayan Mishra
Counsel for Opposite Party(s) : Anand Yadav, G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. None is present on behalf of the informant even in the revised call.
2. Heard Sri Vidit Narayan Mishra, 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.350 of 2022, under Section 302 IPC, Police Station Ahiraula, District Azamgarh, during pendency of the trial.
4. Learned counsel for the applicant submits, this is the second bail application filed on behalf of the applicant and his first bail application has been dismissed on merits after considering the fact that applicant was nephew of the deceased and he by causing fire arm injury committed his murder and FIR of the present case was lodged by his another uncle and even incident was witnessed by mother and daughter of the deceased but in the present matter applicant is in jail since September, 2022 i.e. for last more than three years and till date trial of the case could not be concluded.
5. He further submits, in the charge-sheet there are total 21 prosecution witnesses and till date only five prosecution witnesses could be examined, therefore, trial of the case is moving with languid pace and there is no

hope of its early disposal.

6. He further submits, all the witnesses of facts including eye-witnesses have been examined by the trial court, therefore, even if applicant is enlarged on bail then also there is no chance of tampering with the prosecution evidence.

7. He further submits, however, from the FIR, it reflects that informant, the another uncle of applicant was the eye-witness and when he was examined before the trial court then in his cross examination, he stated that he arrived at police station after receiving information of the incident, therefore, it reflects, he was not the eye-witness and this statement has been annexed at page 20 of the supplementary affidavit dated 25.09.2025.

8. He further submits, however, as per the prosecution, wife and daughter of the deceased were eye-witnesses and they also supported the prosecution case during trial but from the statement of PW-3 i.e. informant of the case, it is apparent that incident was not occurred in the house of the deceased and the same was occurred near the house of one Narsingh and even from the FIR, it reflects that names of these witnesses have not been disclosed in it, therefore it appears they were not the eye-witnesses and subsequently, during investigation I.O. planted them as eye-witnesses to strengthen the prosecution case.

9. He further submits, the law is settled that right of speedy trial is a fundamental right of an accused and on its violation even in serious cases an accused can be released on bail. He placed reliance upon the judgments passed by the Apex Court in the cases of **Union of India Vs. K.A. Najeed (2021) 3 SCC 713** and **Sheikh Javed Iqbal @ Ashfaq Ansari @ Javed Ansari Vs. State of U.P. (2024) 8 SCC 293**.

10. He further submits, there is no evidence on record which can suggest that applicant is causing delay in trial, therefore, it cannot be said that fundamental right of speedy trial of the applicant has not been violated.

11. He further submits, apart from the present case, applicant is having criminal history of one another case but the same has been duly explained in the instant bail application and that case relates to petty offence.

12. Per contra, learned AGA opposed the prayer for bail and submits, this is the second bail application filed on behalf of the applicant and applicant is the nephew of the deceased and he by causing fire arm injury committed his murder and even incident has been witnessed by three witnesses including another uncle of the applicant who lodged the FIR and wife and daughter of the deceased but he could not dispute the fact that applicant is in jail for last more than three years and till date out of 21 prosecution witnesses only 3 prosecution witnesses could be examined and there is no evidence on record that applicant is causing delay in trial.

13. Learned AGA further could not dispute the fact that from the cross examination of the informant, it reflects that he reached the police station after receiving the information of the incident and according to him, incident occurred near the house of one Narsingh.

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

15. This is the second bail application filed on behalf of the applicant and his first bail application has been dismissed after considering the fact that he was nephew of the deceased and he as per allegation, by causing fire arm injury he committed his murder but it reflects that in the present case, he is in jail for last more than three years and till date out of 21 prosecution witnesses only 3 prosecution witnesses could be examined, therefore, trial of the case is moving with languid pace and there is no hope of its early disposal.

16. Further, there is no material available on record which can suggest that applicant is delaying the trial.

17. Further, considering the observation made by Apex Court in the cases on which reliance was placed by learned counsel for the applicant, it reflects that right of speedy trial is a fundamental right of an accused and on its violation considering his long incarceration, in appropriate cases even in serious cases, he can be released on bail. Considering the facts of the case, it cannot be said that fundamental right of speedy trial of the applicant has not been violated.

18. Further, record also suggests that all the witnesses of facts have been examined and considering this fact, argument advanced by learned counsel for the applicant that if applicant is released on bail then there is no chance of tampering with evidence, cannot be ruled out.

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

20. Further, the law is settled unless proven guilty an accused is deemed to be innocent and his bail application should not be rejected either for preventive or punitive purpose.

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

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

23. Let the applicant - **Amarjeet Yadav** 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.

24. 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.

25. 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.)

January 12, 2026
S.A.