



2026:AHC:19459

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 43265 of 2024

Naseem

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ajeet Kumar Pandey, Akhilesh Kumar Mishra, Sonu Malik
Counsel for Opposite Party(s)	: G.A., Umair Mahmood, Vivek Pandey

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Akhilesh Kumar Mishra, learned counsel for the applicant, Sri Umair Mahmood, learned counsel for informant and Sri Ghanshyam Mishra, learned Brief Holder for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 124 of 2022, under Sections 302, 201, 34 IPC, Police Station Heempur Deepa, District Bijnor during pendency of the trial.
4. Learned counsel for the applicant submits, this is third bail application filed on behalf of applicant and his earlier two bail applications have been dismissed by this Court after considering the fact that applicant is husband of the deceased and on his pointing out after digging the earth, the dead body of the deceased was recovered. He further submits, till date trial of the case could not be concluded. He further submits, however, he could not having information about current status of trial but about two months before trial was at evidence stage.
5. He further submits, applicant is in jail since 11.06.2022 i.e. for last more than three and half years, therefore, considering the long incarceration of the applicant, he should not be released on bail.
6. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, after considering the merit of the case first and second bail applications of the applicant have already been dismissed.

They further submit, trial is at the stage of its conclusion and prosecution evidence have been concluded and even the statement of the applicant under Section 313 Cr.P.C. has been recorded on 16.10.2025 and at present dates are being fixed for final argument and therefore at such advance stage there is no occasion to release the applicant on bail.

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

8. This is third bail application filed on behalf of applicant and his earlier two bail applications have already been dismissed by this Court after considering the fact that he is husband of the deceased and on his pointing out the dead body of the deceased was recovered after digging the earth.

9. Further, however, it reflects, in the present matter applicant is in jail since 11.06.2022 i.e. for last more than three and half years but during the course of argument learned counsel for informant placed the statement of applicant recorded under Section 313 Cr.P.C. which is taken on record and marked as 'A', which shows that his statement was recorded on 16.10.2025, therefore, trial is at advance stage and even as per learned counsel for informant dates are being fixed for final argument.

10. Considering the stage of trial coupled with the facts of the case, I am not inclined to release the applicant on bail at this stage.

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

12. However, considering the fact that trial of the case appears to be at advance stage, trial court is directed to conclude the trial as expeditiously as possible in accordance with law preferably within a period of three months from the date of production of copy of the order passed today by this Court, if there is no legal impediment.

13. 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.

January 28, 2026
AK Pandey

(Sameer Jain,J.)