



2026:AHC:1591

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 34813 of 2024

Faiz Alias Faizoo

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Patgendra Bhushan Misra, Swati
Agrawal Srivastava, Sr. Advocate
Counsel for Opposite Party(s) : G.A., Mahendra Bahadur Singh, Vijeta
Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Kamal Krishna, learned Senior Advocate assisted by Ms. Swati Agrawal Srivastava, learned counsel for the applicant, Ms. Vijeta Singh, learned counsel for the informant and Sri Sunil Kumar, learned A.G.A. for the State and perused the record.
3. The present bail application has been filed by the applicant in case crime No. 147 of 2022, under Sections 147, 148, 149, 302, 307, 427, 120-B, 212 IPC, P.S. Phaphamau, District Prayagraj, with the prayer to enlarge him on bail.
4. It has been argued by the learned counsel for the applicant that applicant is innocent and has been falsely implicated in this case. The applicant has not been assigned the role of having caused gunshot injuries to the deceased. He is simply a member of the unlawful assembly and his name has been introduced to be traveling in the Bolero car, which was following the Scorpio car. Even the cctv footage which was procured by P.W. 8 Adnan does not find the applicant in it, as such, the applicant is entitled for bail.
5. It was further submitted that applicant is languishing in jail since 7.6.2022, as such, period of incarceration is about three and a half years. His fundamental rights enshrined under Article 21 of the Constitution of

India stand violated as there is no likelihood of early conclusion of trial in near future. In case he is released on bail, he will not misuse the liberty of bail and cooperate in the trial.

6. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail and argued that the trial is at conclusive stage but the counsel for the applicant is not cooperating in it. This Court has called for the status of trial and the status report dated 11.12.2025 received from the trial court indicates that the adjournment application was filed by the Advocate, as such, the cross-examination of the witnesses could not be completed. The said status report indicates that already eleven witnesses have been examined, as such, the trial is at its conclusive end.

7. Considering the submissions of learned counsel for the parties, nature of allegations, gravity of offence and all attending facts and circumstances of case, the Court is of the opinion that it is not a fit case for bail. Hence, the bail application of applicant **Faiz Alias Faizoo** is hereby rejected.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of *Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220* and *Hussain and Another vs. Union of India; (2017) 5 SCC 702*, if there is no legal impediment.

9. 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.

(Krishan Pahal,J.)

January 6, 2026

Shalini