



2026:AHC:10608

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38962 of 2024

Prasant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Bal Krishna Yadav, Ray Sahab Yadav
Counsel for Opposite Party(s) : G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ray Sahab Yadav, learned counsel for applicant, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar, learned Additional Government Advocate for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No. 302 of 2023, under Sections 324, 302/34 IPC, Police Station Milak, District Rampur, with the prayer to enlarge him on bail.
4. As per prosecution story, on 28.10.2023 at about 1.00 pm, the applicant alongwith the co-accused person is stated to have committed the murder of the mother of the informatn by assaulting her with fawra and thereupon also assaulted his uncle (fufa) and caused him injuries.
5. Learned counsel for the applicant has stated that the FIR is delayed by three hours and there is no explanation of the said delay caused. The applicant has nothing to do with the said offence. He is in jail since 30.10.2023 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that P.W. 1 has been examined and the applicant is one of the main assailants in the incident as he had assaulted and caused injuries to two

persons, one whereof succumbed to the injuries sustained on the spot, as such, he is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the FIR being prompt and the applicant being one of the main assailants, as one person died on the spot due to the injuries sustained, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, **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 16, 2026

Shalini