



2026:AHC:18703

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29997 of 2024

Mukesh Bind

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Kumar Tiwari, Rajendra Kumar Singh, Sangam Lal Kesharwani
Counsel for Opposite Party(s) : G.A., Sanjay Kumar

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rajendra Kumar Singh, learned counsel for applicant, Sri Sanjay Kumar, learned counsel for the informant, Ms. Ifrah Islam, learned State Law Officer 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.272 of 2023, under Sections 147, 148, 149, 504, 302 I.P.C., Police Station Khatasarai, District Jaunpur with the prayer to enlarge him on bail.

PROSECUTION STORY:

4. As per prosecution story, the co-accused person is stated to have vomited at the shop of the informant, thereby an altercation ensued between the parties, as such, the applicant assaulted the two brothers Ajay Prajapati and Ankit Prajapati with knife, thereby committed their murder on 28.11.2023 at about 08:30 p.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant has been falsely implicated in the present case and he has nothing to do with the said offence. The FIR is delayed by about six hours and there is no explanation of the said delay caused.
6. There are six accused persons in all, but the applicant has been falsely

assigned the role of having stabbed the two deceased persons.

7. In the second statement of informant, he has assigned general and omnibus allegations against all the accused persons including the applicant.

8. The informant during his cross-examination has stated that he had reached the place of occurrence about one minute after the incident, as such, he cannot be the eye-witness.

9. The said contradictory statements speak volume of false implication and the case does not go beyond Section 304 I.P.C. as it is a case of sudden provocation.

10. During investigation, no CCTV footage has been gathered by the Investigating Officer to corroborate the prosecution story. The said CCTV footage has deliberately been withheld just to cover up the prosecution case.

11. There is no criminal history of the applicant. The applicant is in jail since 29.11.2023 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/OPPOSITE PARTY:

12. The bail application has been vehemently opposed on the ground that it is a double murder case and the applicant is the main accused person.

CONCLUSION:

13. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 11.12.2025, one witness has been examined and the trial is going on.

14. After hearing learned counsel for the parties and taking into consideration the fact that it is a double murder case and the applicant is the main accused person coupled by the fact that trial is going on as already one witness has been examined, I do not find it a fit case for grant of bail to the applicant.

15. The bail application is found devoid of merits and is, accordingly, **rejected.**

16. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously 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.

17. 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 28, 2026
Vikas Verma