



2026:AHC:13335

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 32150 of 2025

Devmani Pandey

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Ashish Kumar Mishra
Counsel for Opposite Party(s)	: G.A., Pulak Ganguly, Rahul Mishra, Shalini Mishra

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

Order on Criminal Misc. Bail Application:

1. List has been revised.
2. Heard Sri V.P. Srivastava, learned Senior Counsel assisted by Sri Ashish Kumar Mishra, learned counsel for the applicant and Sri Pulak Ganguly, learned counsel for the informant as well as Sri Sanjeev Singh, learned A.A.G. assisted by Sri Sunil Kumar, learned A.G.A. for the State-respondents and perused the record.
3. Applicant seeks bail in **Case Crime No. 162 of 2025, under Sections 115(2), 109, 103(1), 309(6), 333 of BNS, Police Station - Phoolpur, District- Prayagraj.**, during the pendency of trial.
4. As per prosecution story, the applicant, along with co-accused Prabhat Pandey, is alleged to have assaulted the informant's mother with an axe, causing grievous injuries. When the informant's father and sister intervened to rescue her, they too were assaulted and sustained injuries. It is further alleged that a sum of Rs.5 lakhs kept in the house was looted by the accused persons in the intervening night of 25.04.2025 at about 00:30 hours.
5. Learned Senior Counsel for the applicant submits that the applicant has been falsely implicated and has nothing to do with the said offence. It is contended that the FIR has been lodged with a delay of about 10 hours and there is no explanation of the said delay caused.

6. Learned Senior Counsel has further argued that the informant is not an eye-witness and has only a hearsay account of the incident. There are several inconsistencies in the statements of two injured persons. The applicant is languishing in jail since 25.04.2025, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned counsel for the informant and learned AAG, assisted by learned AGA, have vehemently opposed the bail application, contending that it is an open-and-shut case. The applicant and co-accused Prabhat Pandey are named accused persons, who allegedly inflicted six incised injuries upon the deceased. The injuries sustained by the two eye-witnesses are also stated to have been caused by a sharp-edged weapon, as such, the applicant is not entitled to be released on bail.

8. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the fact that the applicant is a named accused in the FIR and that the injuries sustained by the deceased and other injured persons are consistent with the weapon allegedly carried by him, I do not find it a fit case to release the applicant on bail.

9. The bail application is, accordingly, **rejected**.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements 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.

11. 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.

Re: Criminal Misc. Short Term Bail (Parole) Appl. No. 06 of 2026:

1. The instant short term (parole) application has been moved on behalf of accused-applicant seeking enlargement on parole in Case Crime No. 162 of 2025, under Sections 115(2), 109, 103(1), 309(6), 333 of BNS, Police Station - Phoolpur, District- Prayagraj.

2. It is admitted by both the parties that the father of the applicant has expired and that several post-death rituals are required to be performed. The applicant, being the son of the deceased, has every right to participate in the said ceremonies. Therefore, the applicant deserves to be enlarged on interim bail for a limited period.

3. Considering the submissions advanced by learned counsel for the parties and having regard to the fact that the father of the applicant has expired and various rituals are required to be performed by him, the prayer for short-term bail is **allowed**.

4. Let the applicant, **Devmani Pandey**, be released on short-term bail (parole) in the aforesaid case crime number for a period of five days, commencing from today, upon execution of a personal bond and two reliable sureties each in the like amount, to the satisfaction of the court concerned.

5. It is made clear that all expenses relating to security and transportation, to and fro from the jail to the applicant's residence, shall be borne by the applicant. The applicant shall surrender before the Trial Court concerned immediately upon completion of the aforesaid period of five days, whereupon he shall be remanded back to jail.

6. The Registrar (Compliance) is directed to inform the order to all concerned to ensure compliance today itself.

7. The party shall file computer generated copy of this order downloaded from the official website of High Court, Allahabad. The computer generated copy of this order shall be self attested by counsel of the party concerned.

8. The concerned Authority shall verify the authenticity of this computerized copy of the order from the official website of High Court, Allahabad, and shall make a declaration of such verification in writing.

January 20, 2026
Siddhant

(Krishan Pahal,J.)