



2026:AHC:18852

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37889 of 2024

Satyam Srivastava

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rakesh Kumar Srivastava
Counsel for Opposite Party(s) : Akanksha Srivastava, G.A., Narendra
Deo Shukla, Vivek Shukla

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Third supplementary affidavit filed today is taken on record.

2. There are three counsels appearing on behalf of informant and one of them Ms. Akanksha Srivastava, Advocate has sent her illness slip today. On the earlier date also, the case was adjourned on the basis of illness slip of counsel for the informant.

3. As there are more than one counsel and only one of them has sought adjournment on the ground of illness, therefore, the Court would be justified not to accept the request for adjournment. A Division Bench of this Court in ***Ashwani Kumar Srivastava vs. D. Sen Gupta Chairman-Cum-Managing Director, New India Assurance Co. Ltd., Bombay, 2008 SCC OnLine All 723*** has in somewhat similar circumstances taking the same view rejected request for adjournment observing as under:-

“20. Moreover, where a large number of Advocates had filed their vakalatnama on behalf of the appellant, an illness slip sent by one of them by itself would not entitled anyone to get the case adjourned.”

4. The same view has been reiterated by a Co-ordinate Bench of this Court vide its order dated 31.01.2023 passed in ***Criminal Misc. Anticipatory Bail Application U/S 438 Cr.P.C. No. - 3501 of 2020 (Hamza Sufyan vs. State of U.P. and Another)***.

5. In view of the aforesaid judgements, the request to adjourn the matter is declined.

6. Heard Sri Rakesh Kumar Srivastava, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.

7. The present bail application has been filed by the applicant in Case Crime No.213 of 2023, under Sections 147, 148, 149, 323, 504, 506, 452, 302, 34, 325 and 120-B I.P.C. and Section 4/25 Arms Act, Police Station Utraon, District Prayagraj with the prayer to enlarge him on bail.

8. As per prosecution story, the co-accused persons along with 5-6 unknown persons are stated to have assaulted the son of the informant, whereby he is stated to have run inside his house, and the applicant and other co-accused persons followed him and injured Gyanendra Srivastava, whereby the applicant is stated to have caused a stab wound to Anil Srivastava with a knife he was carrying on 12.11.2023 at about 9:00 p.m.

9. Learned counsel for the applicant has stated that the FIR is delayed by about sixteen hours and there is no explanation of the said delay caused. The applicant has nothing to do with the said offence. He has been falsely implicated in the case subsequently. He does not carry any motive to commit the offence, as such, it is a clear-cut case of false implication. The deceased is the uncle of the applicant, as such, there was no reason for him to commit the said offence. There is no criminal history of the applicant. The applicant is in jail since 14.11.2023 and he is ready to cooperate with trial. In case, he is released on bail, he will not misuse the liberty of bail.

10. Learned State Law Officer has vehemently opposed the bail application.

11. The Supreme Court in case of *X vs. State of Rajasthan & Anr., 2024 INSC 909*, has held that once the trial has commenced, it should be allowed to reach to its final conclusion, which may either result in conviction or acquittal of the accused. The bail should not be normally granted to the accused after the charge has been framed. It should also not be granted by looking into the discrepancies here or there in the deposition.

12. After hearing learned counsel for the parties and taking into

consideration the fact that the applicant is the main named accused person in the FIR who has committed the murder of the deceased person coupled with the fact that four witnesses have already been examined, 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***.

13. 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.

14. 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
(Ravi Kant)