



2026:AHC:12732

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15933 of 2025

Neeraj

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rakesh Dubey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Shashi Chood Pandey, Advocate holding brief of Sri Rakesh Dubey, learned counsel for the applicant and Sri Jai Kishan Chaurasia, learned State Law Officer and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 398 of 2022, under Sections 302, 323, 504, 506 of IPC, Police Station- Bilhaur, District - Kanpur Nagar**, during the pendency of trial.
4. As per the prosecution story, the applicant, who happens to be the step-father of the deceased, is alleged to have assaulted the deceased with a *danda*. When the informant attempted to restrain him, she was also beaten and allegedly assaulted with an axe. The incident is stated to have occurred on 20.08.2022 at about 05:00 a.m.
5. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is further argued that the FIR is delayed by more than one day and there is no satisfactory explanation for the said delay.
6. Learned counsel has further submitted that the deceased was a five-year-old child and the applicant was his foster father, as such, the applicant has been falsely implicated in the case. It is also stated that the brother of the informant, namely Pramod Kumar, has been examined by the Investigating

Officer and has stated that his sister (the informant) is of slow mental capacity. On this basis, it is argued that the FIR as well as the statement of the informant cannot be taken into consideration.

7. Learned counsel has further contended that the applicant is languishing in jail since 22.08.2022, 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.

8. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the applicant assaulted two persons -- first, his foster son, who succumbed to the injuries inflicted by the applicant, and second, his wife, who sustained grievous injuries on her cranium and a fracture to the head. It is further contended that the delay in lodging the FIR stands duly explained, as the informant herself had sustained injuries and could lodge the FIR only after her condition improved.

9. This Court had called for a report regarding the status of trial and in compliance thereof, a report has been submitted by the Trial Court concerned on 18.10.2025. As per the said report, only one witness has been examined to date.

10. The Supreme Court in case of *X vs. State of Rajasthan & Anr. reported in 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.

11. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties, the aforesaid judgement of Supreme Court and taking into consideration the fact that the applicant has put his five-year old foster son to death and even caused grievous injuries to his wife, I do not find it a fit case to release the applicant on bail.

12. The bail application 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 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.

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.

January 19, 2026
Siddhant

(Krishan Pahal,J.)