



2026:AHC:13784

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42046 of 2024

Rajesh Kumar Aadiwasi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Dinesh Chandra Dwivedi, Hari Om Rai
Counsel for Opposite Party(s) : Chandra Prakash Singh, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the informant is not present.
2. Second and third supplementary affidavits filed today are taken on record.
3. Heard Sri Hari Om Rai, learned counsel for the applicant, Sri R.P. Patel, learned State Law Officer for the State and perused the material placed on record.
4. Applicant seeks bail in Case Crime No.93 of 2024, under Section 302 I.P.C., Police Station Khiri, District Prayagraj, during the pendency of trial.
5. Learned counsel for the applicant has stated that the trial is moving at a snail's pace. In all, seven witnesses have been examined to date. The informant did not support the prosecution story during her cross-examination on the same day, i.e., 14.05.2025. Subsequently, three eye-witnesses, namely PW-2, PW-3, and PW-4, were examined, and they also did not support the prosecution story, completely resiling from their earlier statements, and were cross-examined by the public prosecutor after being declared hostile. There is no likelihood of the applicant's conviction in the present case.
6. Learned counsel for the applicant has further stated that a new witness, Suraj Kumar, who was examined as PW-5, was introduced by the prosecution 20 days after the incident, and he is the only witness who has deposed against the applicant. There is no criminal history of the applicant. The applicant is languishing in jail since 07.06.2024 and he is ready to

cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Learned State Law Officer has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

8. This Court had called for the status of trial from the concerned Trial Court. As per the said status report dated 11.12.2025, seven witnesses have been examined and other prosecution witnesses are yet to be examined.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that four of the prosecution witnesses have not supported the prosecution story, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

10. Let the applicant- **Rajesh Kumar Aadiwasi**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

11. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

12. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 20, 2026
(Ravi Kant)