



2026:AHC:12313

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 43498 of 2024

Jay Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Pankaj Satsangi, Praveen Kumar
Srivastava
Counsel for Opposite Party(s) : Bharat Singh, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Arvind Kumar Sahu, learned Advocate holding brief for Sri Praveen Kumar Srivastava, learned counsel for applicant, Sri Bharat Singh, learned counsel for the informant and Ms. Ifrah Islam, learned A.G.A. 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. 128 of 2023, under Sections 302, 147, 504, 506 IPC, Police Station Binawar, District Budaun, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that there are general and omnibus allegations against all the accused persons including the applicant in the FIR but subsequently, the informant has stated that the applicant had assaulted the deceased with a pointed saria and is stated to be the main assailant. Thereafter, the very same informant who has been examined as PW-1 in Court has assigned the general and omnibus role to all the accused persons. Rather, he has stated that saria was carried by four accused persons in all including the applicant. As the co-accused person has been enlarged on bail, the applicant is also entitled for bail on ground of parity.
5. Learned counsel has further stated that the applicant is in jail since 15.5.2023 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that conduct of the counsels for the applicant has to be taken into consideration, as they have kept on dilly dallying with the cross-examination of the witnesses. The witnesses were present in Court since 29.1.2024 and on the adjournments of the counsels for the accused, the cross-examination could not be completed.

7. This Court had called for the status of trial. As per the status report dated 28.11.2025, the prosecution witness PW-1 was cross-examined for three dates, PW-2 was cross-examined for two dates and PW-3 was cross-examined for five dates. The said report indicates that the delay, if any, cannot be attributed to the prosecution.

8. After hearing learned counsel for the parties and taking into consideration the fact that the applicant has been assigned the role of assaulting the deceased and the delay in cross-examination of witnesses cannot be attributed to the prosecution, 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**.

9. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible 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.

10. 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 19, 2026

Shalini