



2026:AHC:9991

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 60 of 2026

Babloo

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Uday Pratap
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Uday Pratap, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. This is the second bail application on behalf of the applicant. The first one was dismissed as withdrawn with liberty to file afresh by the Co-ordinate Bench of this Court vide order dated 13.10.2025 passed in Criminal Misc. Bail Application No.4762 of 2025.
4. The present bail application has been filed by the applicant in Session Trial No.534 of 2024 arising out of Case Crime No.229 of 2024, under Section 302 IPC, Police Station Salempur, District Deoria with the prayer to enlarge him on bail.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. No one has seen the applicant assaulting the deceased person. It is a case of blind murder. The FIR indicates that the applicant had called the deceased person and had committed the said offence, but there is no eyewitness account of the incident. Subsequently, two false witnesses have been garnered, namely, Golu Kumar and Jaswant Kumar, before whom the deceased is stated to have given a dying declaration that it was the applicant who had assaulted him.

6. Learned counsel for the applicant has further stated that the said statement cannot be relied upon as the deceased only mentioned the name of the applicant, but he did not give any detail of the incident. The applicant is in jail since 28.05.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the statements of Golu Kumar and Jaswant Kumar are very much on record, whereby the deceased had given dying declaration alleging the involvement of the applicant in the instant case. The applicant is the sole named accused person as he had called the deceased person, as such, he is not entitled for bail.

8. After hearing learned counsel for the parties and taking into consideration the statements of the witnesses, namely, Golu Kumar and Jaswant Kumar, 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 14, 2026

(Ravi Kant)