



2026:AHC:9364

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 787 of 2026

Gopal Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Devesh Kumar Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Sri Dr. C.P. Upadhyay, learned Senior Advocate assisted by Sri Devesh Kumar Singh, learned counsel for applicant as well as Sri V.K.S. Parmar, 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.53 of 2025, under Sections 103(1), 190, 191(2), 191(3), 352, 61(2), 351(3), 319(2), 318(4), 338, 336(3), 340(2), 317(2) B.N.S. and Section 7 Criminal Law Amendment Act, Police Station Dhanapur, District Chandauli with the prayer to enlarge him on bail.

PROSECUTION STORY:

4. As per prosecution story, the applicant alongwith other named accused persons is stated to have fired and caused gunshot injury to the brother of the informant on 1.5.2025 at about 03:30 p.m.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The applicant has been falsely implicated in the present case and he has nothing to do with the said offence. The FIR is delayed by about nine hours and there is no explanation of the said delay caused.

6. The prosecution story stands falsified from the fact that there is strong alibi of two assailants Pradummn Singh and Sandeep Kumar Singh, who also happens to be real brother of the applicant.

7. The said two accused persons were in jail U/s 60 of Excise Act before the date of occurrence and were released from jail subsequent to the incident, as such, the complete prosecution story falls to the ground.

8. The informant is not an eye-witness as earlier on he has stated in the FIR that he had seen the incident, but subsequently in his statement recorded U/s 180 BNSS he has stated that he was about 50 yards away from the place of occurrence and after hearing gunshot had rushed to the place of occurrence and had seen the applicant and other accused persons firing at the deceased person.

9. The applicant has been falsely implicated in the case as he is an injured/eye-witness in the case of murder of his brother and in this regard FIR/Case Crime No.24 of 2019, U/s 302 I.P.C. was registered at Police Station Dhanapur, District Chandauli, in which the informant, deceased person and other eye-witnesses were the accused. As such, it is a clear cut case of false implication.

10. The criminal history assigned to the applicant has been explained. As far as Case Crime No.71 of 2025, U/s 3/25 Arms Act, P.S. Kheragarh, District Agra is concerned, the same was foisted on the applicant at the time of his arrest from Agra where the applicant was employed and he has yet to apply for bail in it.

11. As far as Case Crime No.364 of 2016, U/s 323, 504, 506 I.P.C., P.S. Sakaldeha, District Chandauli is concerned, the applicant is on bail in it, but he could not fetch the bail order.

12. The applicant is languishing in jail since 20.5.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/OPPOSITE PARTY:

13. The bail application has been vehemently opposed on the ground that

there is ocular evidence of the informant and also one Babu Lal Maurya, who had identified the applicant to be one of the assailants.

14. The applicant has not properly explained the criminal history assigned to him i.e. Case Crime No.364 of 2016, U/s 323, 504, 506 I.P.C., P.S. Sakaldeha, District Chandauli.

CONCLUSION:

15. The Supreme Court in ***Special Leave to Appeal (Crl.) No(s). 1400/2025 Munnesh Vs. State of Uttar Pradesh*** has directed that the petitioners seeking regular bail or anticipatory bail must mandatorily disclose their criminal antecedents. Non-disclosure of criminal history itself could be considered as a ground for dismissal of bail. The Court directed:

“We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/ sessions courts declining prayers under Sections 438/439 of the Code of Criminal Procedure, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition.”

16. After hearing learned counsels for the parties, taking into consideration the fact that applicant is named accused person coupled by the fact that criminal history of at least one case i.e. Case Crime No.364 of 2016 has not been properly explained and also taking into consideration the judgment of the Supreme Court passed in ***Munnesh (supra)***, I do not find it a fit case for grant of bail to the applicant.

17. The bail application is found devoid of merits and is, accordingly, **rejected.**

18. 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.

19. 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

Vikas Verma