



2026:AHC:8130

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 10404 of 2025

Navnath Mishra Alias Pattu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Atharva Dixit, Rakesh Kumar Mishra
Counsel for Opposite Party(s) : G.A., Vishveshwar Mani Tripathi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Manish Tiwari, learned Senior Advocate assisted by Sri Atharva Dixit, learned counsel for applicant, Sri Vishveshwar Mani Tripathi, learned counsel for the informant as well as Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar learned Additional Government Advocate 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. 414 of 2023, under Sections 147, 148, 149, 34, 323, 427, 352, 452, 504, 307, 302 IPC, 7 Criminal Law Amendment Act and 27/29(2) Arms Act, Police Station Rudrapur, District Deoria, with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that he could not argue the bail of the applicant as the bail granted to the co-accused persons was challenged by the informant before the Supreme Court and the Supreme Court vide its order dated 28.11.2025 had dismissed the said bail cancellation application passed in SLP (Criminal) Diary No(s). 42979 of 2025.
5. Learned counsel has further argued that the injuries sustained by three of the deceased were lacerated wounds, as such, they cannot be caused by firearm. The two deceased have sustained gunshot injuries. The applicant,

who happens to be one of the twenty-seven named accused persons and some 50 unknown persons was a member of the unlawful assembly only.

6. The prosecution story further stands falsified from the fact that one of the accused persons Abhishek Yadav was non-existent and his identity could not be established by the investigating agency.

7. One Jai Prakash Dubey had already expired before the occurrence in the year 2023, as such, he was also falsely implicated in the case.

8. One Sri Prakash Dubey has strong alibi, as he was undergoing cancer treatment. The co-accused person Sri Ram Dubey did not reside in India. Rather, he lives in Saudi Arabia, as such, the complete prosecution story stands falsified.

9. Learned Senior Advocate has further submitted that it is true that there is a cross version to the instant case, as one person from the side of the applicant expired, while five persons from the side of the instant informant expired and there is one injured, who is minor, as such, at this point of time, it cannot be ascertained as to which party was the aggressor, and therefore, the applicant is entitled for bail.

10. The applicant is in jail since 8.10.2023 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

11. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application. Learned counsel for the informant has stated that there are two eye-witnesses, who have been examined in Court and they have categorically nominated the applicant to be primary accused person, as he had fired from the rifle of .315 bore at the deceased. The Supreme Court vide its order dated 28.11.2025 had ordered for trial to be concluded within a period of four months from the date of the order i.e. 28.11.2025, as such, the trial is at its conclusive end, as more than one and a half months have passed since the passing of said order.

12. It is also argued that there is a recovery of rifle .315 bore at the pointing out of the applicant, which matches with the injury sustained by the deceased person. It is stated that already, many witnesses have been

examined including the formal witnesses, as such, the applicant, being the primary accused, is not entitled for bail.

13. In rebuttal, learned Senior Advocate has stated that there is no ballistic report to conclude that the said gunshot injuries were caused from the said rifle by the applicant.

14. 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.

15. After hearing learned counsel for the parties and taking into consideration the quantum of injuries and the number of deceased persons being five in number and the trial is at its conclusive end, 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**.

16. 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.

17. 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 13, 2026

Shalini