



2026:AHC:8410

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12392 of 2024

Shobha Ram

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ansar Ahmad, Sandhya Chaturvedi

Counsel for Opposite Party(s) : G.A., Pankaj Kumar Ojha, Shiv Kumar,
Shiv Poojan Yadav, Vivek Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Ansar Ahmad, learned counsel for applicant, Sri Pankaj Kumar Ojha, learned counsel for the informant, Sri R.P. Patel, learned State Law Officer 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.97 of 2023, under Sections 302, 323 I.P.C., Police Station Shayhal, District Auraiya with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant and six other accused persons are stated to have called the son of the informant Sinku @ Sukhvendra to their house, whereby in the mid night on 15.6.2023 the informant and other family members heard the shrieks of his son and rushed to the roof of the house and found that applicant and other accused persons were assaulting the deceased person with bricks and axe and put to death the son of the informant alongwith the wife of Shobha Ram (applicant), whose hands were tied.
5. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. The allegations are per se false. It is true that deceased had illicit relationship with the wife of the applicant, but the applicant has not committed the said offence.

6. Learned counsel for the applicant has further stated that there was one eye-witness Mahendra, who is stated to be hard in hearing, as such, there is no possibility of him hearing the shrieks of the deceased persons. There is no criminal history of the applicant. The applicant is in jail since 15.6.2023 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. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that it is an open and shut case as the dead bodies of the son of the informant and wife of the applicant were found from the house of applicant only, as such, they both were butchered by the applicant and other accused persons. The deceased had sustained multiple injuries on their body.

8. After hearing learned counsel for the parties, taking into consideration that applicant is named in the FIR and the dead body of the two deceased persons were found from the house of applicant, who carried motive to commit the said offence, I do not find it a fit case for grant of bail to the applicant.

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

10. 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.

11. 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
Vikas Verma