



2026:AHC:10802

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 24518 of 2024

Dheeraj Saran Rastogi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhay Mishra, Aman Kumar, Dharmendra Shukla, Varad Nath
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Aman Kumar, learned counsel for the applicant and Sri R.P. Patel, learned State Law Officer and perused the record.
3. This is the second bail application filed on behalf of the applicant seeking bail in **Case Crime No.** 304 of 2019, **under Sections** 498-A, 304-B, 302 of IPC and Sections 3/4 of D.P. Act, **Police Station-** Premnagar, **District -** Bareilly, during the pendency of trial.
4. The first bail application of the applicant was rejected by this Court vide order dated 27.5.2022 passed in Criminal Misc. Bail Application No. 42080 of 2020.
5. As a new ground, learned counsel for the applicant has pressed the plea of bail on the basis of prolonged incarceration, submitting that the applicant has been in judicial custody for more than six years and four months, as such, is entitled to be released on bail on account of the inordinate period of incarceration. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.
6. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the applicant is the main accused person and the trial is at its conclusive end, as such, he is not entitled for bail.
7. This Court had called for a report regarding the status of trial and in compliance thereof, a report has been submitted by the Trial Court

concerned on 27.11.2025. The relevant extracts of the said report are as under:-

"Examination-in-chief and partial cross-examination of Nankan Prasad P.W. 1 was recorded on 30.01.2023, which could not get concluded on that day and subsequently his cross-examination was concluded on 25.04.2023. Examination-in-chief and partial cross-examination of Neeraj Agarwal P.W. 2 was recorded on 23.06.2023 and his cross-examination was adjourned on the cost of Rs. 200/-, which was subsequently concluded on 07.07.2023. Examination-in-chief and partial cross-examination of witness Pradeep Kumar P.W. 10 was recorded on 06.11.2025 and his remaining cross-examination was adjourned due to lawyer attending the condolence meeting."

8. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties and taking into consideration the status report of trial court which indicates that the cross-examination has not been conducted by counsel for the applicant and even the cost was imposed on him for getting the case adjourned for cross-examination of witness, I do not find it a fit case to release the applicant on bail.

9. The bail application 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 laid down in the recent judgements 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.

January 16, 2026
Siddhant

(Krishan Pahal,J.)