



2026:AHC:8745

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30203 of 2024

Mohd. Shamshad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Sanjay, Vinod Kumar Maurya
Counsel for Opposite Party(s) : Anjani Kumar Shukla, G.A., Md.
Ateef, Mohd. Arshad, Prakash Chand
Srivastava, Zaid Arshad

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vinod Kumar Maurya, learned counsel for applicant, Sri R.P. Patel, learned State Law Officer and perused the material placed on record. None is present on behalf of the informant.
3. The present bail application has been filed by the applicant in Case Crime No. 65 of 2021, under Sections 302, 201, 34 IPC, Police Station Sarai Inayat, District Allahabad, with the prayer to enlarge him on bail.
4. This is the second bail application. The first one was rejected by a co-ordinate Bench of this Court vide order dated 7.12.2023 passed in Criminal Misc. Bail Application No. 55379 of 2021.
5. Learned counsel for the applicant, as a new ground, has indicated several contradictions in the statements of the witnesses, especially the informant and the eye-witnesses namely, Mohd. Rustom, Guddu, Rajendra and Mohd. Anas. Learned counsel has further stated that since the prosecution witnesses have already been examined, as such, there is no likelihood of the applicant tampering with the evidence. He is in jail since 15.2.2021 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned State Law Officer has vehemently opposed the bail

application on the ground that the applicant is the primary accused person and there is no new ground for granting bail to him. The contradictions, if any, are bound to creep in the statements of the natural eye-witnesses. This Court had called for the status of trial. The status report dated 3.1.2026 indicates that the statements of the co-accused persons u/s 313 Cr.P.C. has already been recorded and the examination of DW-1 is already completed and the trial is at its conclusive stage, as such, the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that no new ground is there for pressing the second bail application and that 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***.

8. 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.

9. 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