



2026:AHC:7022

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 42888 of 2024

Uma Shankar Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hemant Kumar Dubey
Counsel for Opposite Party(s)	:	G.A., Vishveshwar Mani Tripathi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Learned counsel for the informant is not present.
2. Heard Sri Hemant Kumar Dubey, learned counsel for the applicant, Sri Arun Kumar Mishra, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.176 of 2024, under Sections 302, 506 I.P.C. and 4/25 Arms Act, Police Station- Gauri Bazar, District- Deoria, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed by almost two days and there is no explanation of the said delay caused.
5. Learned counsel for the applicant has further stated that the eye-witnesses have been subsequently procured by the prosecution and they are not true eye-witnesses rather they had seen the applicant and co-accused person running away from the scene of occurrence, but subsequently, in their statements recorded by the Investigating Officer they are stated to have seen the applicant and co-accused person assaulting the deceased person.
6. It is further argued by learned counsel for the applicant that the FIR was instituted after the inquest report and postmortem examination of the deceased person and there was no whisper of a single word against the

applicant at that stage, which indicates that it is a clear cut case of false implication. As such, the applicant is entitled for bail.

7. Learned counsel for the applicant has next contended that there is no criminal antecedent of the applicant. The applicant is languishing in jail since 24.4.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned A.G.A. has vehemently opposed the bail application on the ground that applicant is named in the FIR and the trial is going on and four witnesses have already been examined.

9. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 8.12.2025, four witnesses have been examined and cross-examination of PW-4 is going on.

10. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

11. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another, (2022) 10 SCC 51.***

12. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement, 2024 INSC 595***, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

13. Learned A.G.A./State Law Officer could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

14. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay of two days in institution of FIR and there being no likelihood of conclusion of trial in near future, and without expressing any opinion on the merits of the case, *prima faice*, the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

15. Let the applicant- **Uma Shankar Singh**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

16. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

17. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 12, 2026
Vikas Verma