



2026:ABC:8025

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 43931 of 2024

Shailendra Kumar Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	R.P. Mishra
Counsel for Opposite Party(s)	:	Rupesh Kumar Singh, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today by the learned counsel for the applicant is taken on record.
2. Heard Sri R.P. Mishra, learned counsel for the applicant and Sri Rupesh Kumar Singh, learned counsel for the informant as well as Sri Deepak Kumar Singh, learned A.G.A. for the State and perused the record.
3. Applicant seeks bail in Case Crime No. 138 of 2021, under Sections 147, 148, 149, 302, 120-B, 506 of I.P.C., Police Station - Utaraon, District - Allahabad, during the pendency of trial.
4. Learned counsel for the applicant has submitted that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. The applicant has been assigned the role of assaulting the deceased person with iron rod. There is no other injured person in the incident while it is stated that the informant and his sister were also assaulted by the applicant.
5. Learned counsel has also stated that all the witnesses of fact have been examined, as such, there is no likelihood of applicant tampering with evidence. He is not the flight risk.
6. Learned counsel has further contended that the applicant is languishing in jail since 10.05.2021, having no criminal history to his credit. In case,

the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

7. Per contra, learned counsel for the informant and learned AGA have vehemently opposed the bail application.

8. 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 11.12.2025. As per the said report, eight witnesses have already been examined and the statement of accused was to be recorded u/s 313 Cr.P.C. on 18.12.2025, as such, the trial is at its conclusive end.

9. 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.

10. Considering the facts and circumstances of the case, submissions advanced by learned counsel for the parties, the aforesaid judgement of Supreme Court and taking into consideration the fact that the applicant is the main assailant and the trial is at its conclusive end, I do not find it a fit case to release the applicant on bail.

11. The bail application is, accordingly, **rejected**.

12. 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.

13. 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.

14. Registrar (Compliance) of this Court is directed to furnish the copy of this order to the Trial Court concerned forthwith.

(Krishan Pahal,J.)

January 13, 2026
Siddhant