



2026:AHC:10067

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 47292 of 2024

Jitendra

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Anjani Kumar Raghuvanshi, Sujan Singh

Counsel for Opposite Party(s) : G.A., Kapil Tyagi

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sujan Singh, learned counsel for applicant, Sri Kapil Tyagi, learned counsel for the informant, Sri V.K.S. Parmar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in S.T. No.565 of 2022, arising out of Case Crime No.36 of 2021, under Sections 147, 148, 149, 302, 307, 504 I.P.C. read with Section 7 of Criminal Law Amendment Act, Police Station Badalpur, District Gautam Buddh Nagar with the prayer to enlarge him on bail.
4. This is the second bail application on behalf of the applicant. The first bail application of the applicant was rejected by the Co-ordinate Bench of this Court vide order dated 22.2.2023 passed in Criminal Misc. Bail Application No.36885 of 2022.
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 as the main bone of contention was with Narendra and he has not been assaulted by any of the accused persons, which implies it to be a case of false implication. As such, the applicant is entitled for bail. There is no previous criminal history of the applicant except one case under the Gangsters Act foisted on him subsequent to the instant case. The applicant

is in jail since 11.2.2021 and he 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 counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that the applicant is one of the assailants and was named in the FIR, as such, he is not entitled for bail.

7. 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.

8. After hearing learned counsel for the parties and taking into consideration the fact that applicant is one of the assailants and was named in the FIR coupled by the fact that trial is at its conclusive end, 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