



2026:AHC:18179

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 22421 of 2025

Gaurav Alias Kaptan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Manoj Kumar Tripathi, Vinod Kumar
Tirpathi

Counsel for Opposite Party(s) : Abhyudaya Tripathi, Amit Rai, G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Sraddhey Narashans Ishmaitrey, learned Advocate holding brief for Sri Manoj Kumar Tripathi, learned counsel for applicant, Sri Amit Rai, learned counsel for the informant as well as Sri Sunil Kumar, 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 Case Crime No. 985 of 2024, under Sections 103(1) BNS and 4/25 Arms Act, Police Station Kotwali City, District Bijnor, with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated that the applicant is the husband of the deceased and has been falsely implicated in the case. There are contradictory statements of the witnesses regarding the weapon used as well as the place of occurrence. The allegations are *per se* false. The applicant is in jail since 6.11.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that the deceased had expired within the precincts of the house of the informant, whereat he committed the murder, that too, stabbed wounds,

6. After hearing learned counsel for the parties and taking into consideration the fact that the FIR is prompt and that the applicant is the main accused

person, as he has inflicted stabbed wounds to his wife (deceased), 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**.

7. 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.

8. 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 27, 2026

Shalini