



2026:AHC:13919

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 24355 of 2025

Krishna

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ashok Kumar Gupta
Counsel for Opposite Party(s)	:	G.A., P.K. Singh

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Anil Srivastava, learned Advocate assisted by Sri Ashok Kumar Gupta, learned counsel for applicant, Sri P.K. Singh, learned counsel for the informant as well as Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar, learned Additional Government Advocate and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.354 of 2024, under Sections 191(2), 191(3), 190, 352, 109, 103(1), 3(5) BNS, Police Station Khandauli, District Agra, with the prayer to enlarge him on bail.

PROSECUTION STORY:

4. The applicant alongwith six other named persons are stated to have assaulted and committed murder of the father and the uncle of the informant and had caused injuries to two persons Devanand and Saroj Devi on 8.10.2024 at about 9.55 am.

ARGUMENTS ON BEHALF OF APPLICANT:

5. The FIR is delayed by six hours and there is no explanation of the said delay caused. There are general and omnibus allegations against all the accused persons. At this point of time, it cannot be ascertained as to who was

the author of the deceased or either of the injured persons. There is no recovery from the applicant, as such, he is entitled to be released on bail.

6. There was no land dispute of the deceased or the injured persons with the informant. The dispute, if any, was with co-accused person, Kitab Shree, as such, he is entitled for bail. The applicant is in jail since 5.11.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

ARGUMENTS ON BEHALF OF STATE/INFORMANT:

7. The civil suit was pending between the parties and the co-accused person Kitab Shree filed a petition Writ-C No. 244 of 2024, which was disposed of by this Court on 12.3.2024. The instant offence has been committed after the said order of this Court.

8. The parties were bound by Section 107 /111 Cr.P.C. to keep peace in the locality and the applicant and the other co-accused persons had challenged the said promulgation by filing a petition u/s 482 Cr.P.C. No. 22636 of 2024 in which the notice was issued to the opposite parties and the proceedings were stayed vide order dated 25.7.2024.

9. It is an open and shut case. It is a double murder case and two persons have sustained injuries. The injured persons have categorically nominated the applicant and co-accused persons. The applicant also belong to the same lineage as grandfather of the applicant and the co-accused persons were the same, as such, the applicant is not entitled for bail.

CONCLUSION:

10. This Court had called for the status of trial. The status report dated 5.11.2025 received from the trial court indicates that the examination-in-chief of the informant was started on 12.8.2025 but it cannot be completed. The counsels for the accused persons moved different applications including the one filed by counsel for the co-accused Kitab Shree. The said applications were moved on 12.8.2025, 6.10.2025 and 4.11.2025 with an intention to delay the trial. The trial court has stated that the delay, if any, cannot be attributed to the prosecution. Rather, it is the defence which has delayed the trial.

11. After hearing learned counsel for the parties and taking into consideration the conduct of the counsels of the accused persons in getting the trial delayed and also the fact that it is a double murder case and two persons have sustained injuries in the instant case, 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***.

12. 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.

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.

(Krishan Pahal,J.)

January 20, 2026
Shalini