



2026:AHC:8818

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 12622 of 2025

Udesh Pal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Chandra Bhushan Prasad, Dharendra
Kumar Srivastava

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Dharendra Kumar Srivastava, learned counsel for applicant, Sri Subham Jadaun, learned counsel for the informant, Sri Arun Kumar Mishra, 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.385 of 2024, under Section 103 B.N.S., Police Station Kotwali, District Muzaffar Nagar with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has stated that the applicant is not named in the FIR and his name has come up for the first time in the statement of one Wasim Ahmad and Mohd. Naim, before whom the applicant and co-accused person are stated to have made extra-judicial confession of the offence.
5. Learned counsel for the applicant has further stated that the CCTV footage furnished from the house of said witness also indicates that applicant and co-accused person went to the place of occurrence and returned back within a span of 03 minutes, whereby it is stated that applicant had pushed the deceased person from the roof of the market, thereby leading him to death, who was involved in drinking at the roof of the market.
6. Learned counsel has next contended that the statement of said witnesses has been garnered after a delay of about forty days as their statements have

been recorded on 3.11.2024, which speaks volume of false implication. The case may fall within the category of sudden provocation and does not fall within the category of murder. There is no criminal history of the applicant. The applicant is in jail since 27.8.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned A.G.A. have vehemently opposed the bail application on the ground that it is an open and shut case as the applicant and co-accused person were seen going to the roof of the market and returning within a span of 03 minutes, thus, committed the said offence which was premeditated as they had an altercation with the deceased person one day before the incident.

8. After hearing learned counsel for the parties and taking into consideration the fact that applicant and other co-accused person were seen going towards the place of occurrence in the CCTV footage, 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