



2026:AHC:9117

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 815 of 2026

Amit

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Rameshwar Gaud, Rannoolal Yadav
Counsel for Opposite Party(s) : G.A., Mukul Kumar Mishra, Umakant Chaudhary

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Rameshwar Gaud, learned counsel for applicant, Sri Mukul Kumar Mishra, 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 S.T. No.2269/2025, arising out of Case Crime No.364 of 2025, under Sections 115(2), 351(3), 352, 110, 103(1), 3(5) B.N.S., Police Station Kotwali, District Maharajganj with the prayer to enlarge him on bail.
4. Learned counsel for the applicant has claimed parity with co-accused person, Sandeep who has been enlarged on bail by this Court vide order dated 13.11.2025 passed in Criminal Misc. Bail Application No.38854 of 2025. There are general and omnibus allegations against all the accused persons. There is no motive assigned to the applicant for the offence.
5. It is further argued by learned counsel for the applicant that there is no criminal history of the applicant. The applicant is in jail since 10.7.2025 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 said

accused Sandeep was not named in the FIR rather his relationship with co-accused Amit (applicant) was shown and there was no test identification parade of the said accused, as such, the case of co-accused Sandeep is at different footing to the applicant who is named in the FIR.

7. Learned counsel for the informant has further argued that the applicant alongwith his own brother-in-law and co-accused Wakeel had committed the said offence. The applicant and co-accused Wakeel are named in the FIR. It is a case of murder of father of the informant and the brother of the informant had also sustained injuries in the incident, who has also nominated the applicant in the incident. The FIR is within time, as such, the applicant is not entitled for bail.

8. After hearing learned counsel for the parties and taking into consideration the fact that applicant and co-accused Wakeel have been assigned the role of having assaulted the deceased person and injured person, 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 14, 2026
Vikas Verma