



2026:AHC:5951

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 42914 of 2025

Roshan Chauhan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hari Narayan Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Hari Narayan Singh, learned counsel for applicant, Sri Devashish Mishra, learned counsel for the informant and Ms. Ifrah Islam, learned State Law Officer and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No. 575 of 2025, under Sections 103(1), 115(2), 351(3), 352 B.N.S., Police Station Geeda, District Gorakhpur, with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant is stated to have assaulted the deceased with an iron rod on 4.10.2025 at about 7.00 pm, causing grievous injuries to him, who was admitted in hospital and the FIR was instituted the same night at 00.57 hours.
5. Learned counsel for the applicant has stated that the FIR is delayed by five hours and there is no explanation of the said delay caused. It is the case of sudden provocation, as the deceased was involved in idol immersion at that point of time, as such, the applicant is entitled for bail. The applicant is in jail since 15.10.2025 and 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 State Law Officer has vehemently opposed the bail application on the ground that it is an open and shut case. The injured person was admitted at the hospital and thereafter the FIR has been instituted. He

has been examined by the Investigating Officer u/s 180 B.N.S.S. and he has assigned the role of the applicant of having assaulted him with the iron rod due to previous enmity. The cause of death is head injury sustained by him.

7. After hearing learned counsel for the parties and taking into consideration the delay in institution of the FIR being explained and also there being the statement of the deceased, which may tantamount to dying declaration, 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***.

8. 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.

9. 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 9, 2026

Shalini