



2026:AHC:66079

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1936 of 2026

Boby

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Hardev Prajapati
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.103 out of 294)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Hariom Rai, learned counsel for applicant, Sri Jai Kishan Chaurasia, learned State Law Officer 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.167 of 2021, under Sections 304, 504, 506 I.P.C., Police Station Sikandarpur, District Kasganj with the prayer to enlarge him on bail.
4. This is the second bail application on behalf of the applicant. The first one was dismissed for want of prosecution by this Court vide order dated 14.08.2025 passed in Criminal Misc. Bail Application No.52304 of 2023 and the following order was passed:-

"1. List has been revised. None is present on behalf of the informant.

2. There is an illness slip of Sri Hardev Prajapati, learned counsel appearing on behalf of the applicant.

3. A perusal of the order sheet shows that the case was adjourned twice on the illness slip of Sri Hardev Prajapati, learned counsel for the applicant. Sri Geetam Singh, whose name has been shown as counsel for the applicant in the cause list, is also not present.

4. It is observed by this Court that advocates are not appearing in majority of listed cases that too on multiple dates. Non-appearance of the counsel for the applicant amounts to

professional misconduct. It also tantamount to bench hunting or forum shopping.

5. The Supreme Court in **Ishwarlal Mali Rathod v. Gopal, (2021) 12 SCC 612** has categorically held that courts shall not grant the adjournments in routine manner and mechanically and shall not be a party to cause for delay in dispensing the justice. It was also opined that the courts have to be diligent and take timely action in order to usher in efficient justice dispensation system and maintain faith in rule of law.

6. Mere pendency of the bail application cannot accrue any right in favour of the applicant. It cannot be allowed to swing years together in the cloak of pendency. The applicant cannot be permitted to dilute the stream of justice by repeatedly remaining absent from judicial proceedings without any reasonable explanation. Absence of any reason for non-appearance is blatant abuse of process of law, even though the order is available on the website of the High Court.

7. The resources of the Court which includes precious judicial time are scarce and already stretched beyond elastic limits. Valuable Court time, which is required to be engaged in adjudication of serious judicial action, is wasted on frivolous and vexatious litigation which is misconceived and is an abuse of the process of law. A judicial system has less than sufficient resources to afford justice without unreasonable delay to those having genuine grievances. Therefore, increasingly, the Courts have held that totally unjustified use of judicial time must be curbed and the party so wasting precious judicial resources, must be required to compensate not only the adversary but also the judicial system itself.

8. A Division Bench of this Court in **Ashwani Kumar Srivastava v. D. Sen Gupta Chairman-Cum-Managing Director, New India Assurance Co. Ltd., Bombay, 2008 SCC OnLine All 723** has categorically expressed in para-22:

"22. ??? Learned Advocates being officers of the Court owe a duty not only to the Court but to their clients also in getting the cases decided expeditiously so as to achieve the objective of dispensation of justice. The time of the Court is precious for the reason that it is public's time and must be utilised for adjudicating matters which have substance and need to be decided at the earliest. The arm of justice must reach the aggrieved person dispensing justice speedily. If time of the Court is consumed, and that too, a lion's share, by frivolous and bogus litigation, it is bound to take away the time which could have been utilised for really needy litigants. The time has come when the learned members of the Bar should rise to the occasion and

discourage frivolous and bogus litigation by telling their clients that they would not be a party to such kind of litigation. Frivolous litigation only adds burden on the Court and deprives real litigants from the shower of justice at a time when he really needs it. Needless to say, it would be healthier for institution in particular and public at large and this pious institution would be able to achieve its constitutional obligation of dispensation of justice in deserving cases with greater pace."

9. It appears that the applicant has lost interest in pursuing the matter.

10. In view of the aforesaid facts and circumstances, this Court declines to entertain this bail application. The application is, accordingly, dismissed for want of prosecution.

11. The Registrar (Compliance) is directed to communicate this order to the concerned Court/authority for necessary information and compliance, forthwith."

5. Learned counsel for the applicant has stated that the applicant has nothing to do with the said offence. The daughter of the deceased, Km. Sarangi, has not supported the prosecution story during her cross-examination; as such, there is no likelihood of conviction of the applicant in the instant case. Prior to the institution of the FIR, the informant had come to the police station and given an application for conducting the post-mortem of his brother on 01.10.2021 at 7:30 p.m., whereby he did not whisper a single word about the involvement of the applicant; as such, it is a clear-cut case of false implication. The recovery of an axe has been foisted on the applicant, as it has been recovered from an open place and there is no incised wound sustained by the deceased. The applicant is in jail since 21.10.2021; as such, the period of incarceration is four and a half years. He is ready to cooperate with the trial. In case he 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 the applicant is named in the FIR and there is an eye-witness account of the incident. There is recovery of an axe at the pointing out of the applicant; as such, he is not entitled to bail.

7. This Court had called for the status of the trial from the concerned Trial Court. As per the said status report dated 06.02.2026, two witnesses have

been examined. The examination-in-chief of both the witnesses was conducted on 01.08.2022 and 17.08.2022, but due to the absence of counsel for the applicant, the opportunity for cross-examination was closed. An application was moved by the counsel for the applicant under Section 311 Cr.P.C., and the same was allowed, and he cross-examined the witnesses on 26.08.2025 and 22.09.2025 respectively, i.e., after a delay of about three years. It is also mentioned in the said status report that there is delay in the trial from the side of the accused.

8. After hearing learned counsel for the parties and taking into consideration the fact that the witnesses have supported the prosecution story during their examination-in-chief and have not supported the prosecution story during cross-examination undertaken after a delay of about three years, 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***.

9. 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.

10. 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.)

March 30, 2026
(Ravi Kant)