



2025:AHC:175608

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31855 of 2025

Rahul

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Mahendra Kumar Singh Chauhan, Prashant Kumar Singh
Counsel for Opposite Party(s)	: G.A.

Court No. - 67

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit and IInd Supplementary affidavit filed today by the learned counsel for the applicant are taken on record.
2. Heard Sri Mahendra Kumar Singh Chauhan, learned counsel for the applicant and Sri Arun Kumar Mishra, learned A.G.A. for the State and also perused the material placed on record.
3. This is the second bail application filed on behalf of the applicant seeking bail in **Case Crime No. 570 of 2022, under Sections 147, 148, 149, 302/34 of IPC, Police Station - Kalyanpur, District - Kanpur Nagar**, during the pendency of trial.
4. The first bail application of the applicant was rejected by this Court vide order dated 13.03.2023 passed in C.M.B.A. No. 8004 of 2023.
5. As a new ground, learned counsel for the applicant has stated that there is material contradiction in the statement of the informant whereby he has stated that he had called the police by dialing 112 and he was present at the place of occurrence for one and a half hour which is unnatural.
6. In support of his submission, learned counsel has placed much reliance on the disclosure of information received from Police Emergency System obtained under the R.T.I. Act on 21.07.2022 at about 23:54:06. It is argued that the information about the occurrence of incident has been furnished by some unknown person and not the informant. Even the caller's name has

come up as Vaibhav. The said inconsistency in the statement of the informant to the real incident leads to the inference of false implication of the applicant as the informant is not an eye witness to the said incident.

7. Learned counsel has next contended that the applicant is languishing in jail since 29.07.2022, having no criminal history to his credit. In case, the applicant is released on bail, he will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned AGA has vehemently opposed the bail application on the ground that the applicant is named in the FIR and has been assigned the role of firing at the informant's brother, as such, he is not entitled for bail.

9. The said inconsistency as raked up by the learned counsel for the applicant may not help the case of applicant at this stage. Since no new ground has been given by learned counsel for the applicant, I do not find it a fit case for bail. Without expressing any opinion on the merits of the case, this Court is not inclined to release the applicant on bail.

10. The bail application is, accordingly, **rejected**.

11. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in view of the principle laid down in the recent judgements of the Apex 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.

12. 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.

September 26, 2025
Siddhant

(Krishan Pahal,J.)