



2026:AHJ:58302

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9448 of 2026

Sachchidanand Yadav @ Laldhar Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Yadav, Saroj Kumar Dubey

Counsel for Opposite Party(s) : G.A.

Court No. - 66

(Sr. No.21 out of 116)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Saroj Kumar Dubey, learned counsel for applicant, Sri Navnath Pandey, learned counsel for the informant, Sri V.K.S. Parmar, 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.190 of 2025, under Sections 190, 191(2), 191(3), 103(1), 352, 351(3), 3(5), 61(2) B.N.S. and Section 7 Criminal Law Amendment Act, Police Station Kuberasthan, District Kushinagar with the prayer to enlarge him on bail.
4. As per prosecution story, the applicant, along with co-accused persons, is stated to have brutally assaulted the son of the informant and committed his murder on 29.08.2025 at about 8:00 p.m.
5. Learned counsel for the applicant has stated that the FIR is delayed by more than five hours, and there is no explanation of the said delay caused. The injuries sustained by the deceased do not match the prosecution story. There are general and omnibus allegations against all the accused persons. The statements of the three eye-witnesses mentioned in the FIR, namely Gyaneshwar, Vikas, and Satyarth, were recorded belatedly, and they have also allayed general allegations against the applicant and all the accused persons.

6. Learned counsel for the applicant has further stated that subsequently two more witnesses have been roped in by the prosecution, namely Amrendra Singh and Kunwar Bahadur Singh, who have assigned the role of the applicant as having assaulted the deceased with an axe. This statement has also been made by the informant. These statements have been recorded as an afterthought, just to keep the applicant incarcerated. The co-accused, Shrinivas Yadav @ Gullu, Gyanendra @ Gyan Yadav and Chandradeep Yadav, have already been enlarged on bail by this Court vide orders dated 11.02.2026, 23.02.2026 and 10.03.2026 passed in Criminal Misc. Bail Application Nos.4995 of 2026, 6543 of 2026 and 8046 of 2026 respectively, as such, the applicant is also entitled to bail. The applicant is in jail since 31.08.2025 and 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, although there were general and omnibus allegations in the FIR, the subsequent statements of the informant and the two eye-witnesses categorically indicate that the applicant was the main assailant and was carrying an axe. There is recovery of an axe at the pointing out of the applicant, as such, he is not entitled to bail.

8. The case of the applicant stands distinguished to the other co-accused persons.

9. After hearing learned counsel for the parties and taking into consideration the statements of the informant and the two independent eye-witnesses, namely Amrendra Singh and Kunwar Bahadur Singh, and that the applicant inflicted injuries on the deceased with an axe, 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**.

10. 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.

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.)

March 19, 2026

(Ravi Kant)