



2026:AHJ:58340

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30914 of 2025

Kamata Prasad Tiwari

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ajay Singh Yadav, Kuldip Singh
Yadav, Rakesh Kumar Pal, Shashank
Singh

Counsel for Opposite Party(s) : G.A., Jay Prakash Tripathi, Pramod
Kumar Pandey

Court No. - 66

(Sl. No. 74 out of 150)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Kuldip Singh Yadav, learned counsel for the applicant and learned counsel for the informant as well as Sri Jai Kishan Chaurasia, learned State Law Officer and perused the record.
3. This bail application has been filed on behalf of the applicant seeking bail in **Case Crime No. 70 of 2025, under Sections 103(1), 352 of BNS and Sections 3/30 of Arms Act, Police Station- Sarai Aqil, District - Kaushambi**, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The star witness is the informant-victim, who has been examined during trial as PW-1 and she has completely resiled from her earlier statements and has been cross-examined by the public prosecutor after declaring her hostile. There is no likelihood of conviction of the applicant in the present case. It is also stated that there is no other eye-witness to the incident.
5. Learned counsel has further contended that the applicant is languishing in jail since 22.03.2025, 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.

6. Per contra, learned counsel for the informant as well as learned State Law Officer have vehemently opposed the bail application on the ground that the examination-in-chief and partial cross-examination of the informant were conducted on 09.08.2025, wherein her statement remained consistent and intact. It is contended that her further cross-examination was conducted after a delay of about four months, i.e., on 17.12.2025, during which she did not support her earlier version. It is submitted that what transpired during the intervening period is yet to be ascertained, and therefore, the applicant is not entitled to be released on bail.

7. Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, and taking into account the fact that the FIR is prompt, the applicant is the sole accused named therein, and that the statement of the informant stood supported during her examination-in-chief and partial cross-examination, this Court does not find it to be a fit case for grant of bail.

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

9. 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 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 18, 2026
Siddhant