



2026:AHC:211307

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 29087 of 2026

Rajesh Mishra

.....Applicant(s)

Versus

State Of U.P

.....Opposite Party(s)

Counsel for Applicant(s)	:	Manish Mani, Vishveshwar Mani Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Vishveshwar Mani Tripathi, learned counsel for the applicant, Sri R. P. Singh, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 84 of 2023, under Sections 302, 201, 120-B IPC, P.S. Mael, District Deoria, during the pendency of trial.
4. This is the second bail application on behalf of the applicant. The first bail application of the applicant was rejected by this Court vide order dated 25.08.2025 passed in Criminal Misc Bail Application No. 41032 of 2023 and the following order was passed:-

"1. List has been revised.

2. Heard Sri Pankaj Kumar Yadav, learned counsel for applicant, Sri Arun Kumar Mishra, 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.84 of 2023, under Sections 302, 201 and 120B I.P.C., Police Station Mael, District Deoria with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated that the applicant has been falsely implicated in the present case. He has nothing to do with the said offence. There is no direct evidence to implicate the applicant. Only recovery of a brick has been shown at his pointing out. The similarly placed co-accused persons, namely, Vinay Kumar Pandey and Gyaneshwar Kumar Pandey, have been enlarged on bail by the Co-ordinate Bench of this Court vide orders dated 28.05.2025 and 19.9.2023 passed in Criminal Misc. Bail Application Nos.33306 of 2024 and 38461 of 2023.

5. *Learned counsel for the applicant has further stated that the criminal history assigned to the applicant stands explained. The applicant has annexed the bail orders of three cases and he is on bail in all other cases. The applicant is in jail since 20.04.2023 and he 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 A.G.A. has vehemently opposed the bail application on the ground that the applicant has a long criminal history of nineteen cases and he has annexed the bail orders of only three case, as such, the other sixteen cases go unexplained.*

7. *This Court has perused the rejoinder affidavit filed by learned counsel for the applicant and in para 5 of the said rejoinder affidavit, the criminal history of the applicant has been explained in the following manner:-*

- "1. Case Crime No. 24 of 2010, name applicant was found false.*
- 2. Case Crime No. 567 of 2014, name applicant was found false.*
- 3. Case Crime No. 617 of 2008, applicant was charge sheeted.*
- 4. Case Crime No. 318 of 2008, applicant was charge sheeted.*
- 5. Case Crime No. 441 of 2008, applicant was charge sheeted.*
- 6. Case Crime No. 558 of 2007, name of applicant was found false.*
- 7. Case Crime No. 358 of 2007, applicant was charge sheeted.*
- 8. Case Crime No. 68 of 2004, applicant was charge sheeted.*
- 9. Case Crime No. 167 of 2006, applicant was charge sheeted.*
- 10. Case Crime No. 268 of 2003, name of applicant was found false.*
- 11. Case Crime No. 198 of 1995, name of applicant was found false.*
- 12. Case Crime No. 225 of 2010, applicant was charge sheeted.*
- 13. Case Crime No. 226 of 2010, applicant was granted granted bail."*

8. *The Supreme Court in Special Leave to Appeal (Crl.) No(s). 1400/2025 Munesh Vs. State of Uttar Pradesh has directed that the petitioners seeking regular bail or anticipatory bail must mandatorily disclose their criminal antecedents. Non-disclosure of criminal history itself could be considered as a ground for dismissal of bail. The Court directed:*

"We, accordingly, direct that henceforth each individual who approaches this Court with a Special Leave Petition (Criminal) challenging orders passed by the high courts/ sessions courts declining prayers under Sections 438/439 of the Code of Criminal Procedure, 1973 or under Sections 482/483, Bharatiya Nagrik Suraksha Sanhita shall mandatorily disclose in the 'SYNOPSIS' that either he is a man of clean antecedents or if he has knowledge of his involvement in any criminal case, he shall clearly indicate the same together with the stage that the proceedings, arising out of such case, have reached. Should the disclosure be found to be incorrect subsequently, that itself could be considered as a ground for dismissal of the special leave petition."

9. After hearing learned counsel for the parties and taking into consideration the fact that the criminal history assigned to the applicant has not been properly explained by the counsel for the applicant, I do not find it a fit case for grant of bail to the applicant.

10. The bail application is found devoid of merits and 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 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.

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."

5. Learned counsel for the applicant has argued that the aforesaid order was passed primarily on account of non explanation of the criminal antecedents of the applicant. The said criminal antecedents now stand explained as in the compliance affidavit also, it is admitted by the State that applicant is on bail in all those cases. It is further submitted that co accused Vinay Kumar Pandey and Gyaneshwar Kumar Pandey have been enlarged on bail by the Co-ordinate Bench of this Court vide orders dated 28.05.2025 and 19.09.2023 passed in Criminal Misc Bail Application No. 33306 of 2024 and 38461 of 2023.

6. Learned State Law Officer has vehemently opposed the bail application but the submissions raised by the learned counsel for the applicant could not be disputed.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that

criminal history has now been explained and the period of long incarceration of the applicant and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is ***allowed***.

8. Let the applicant- Rajesh Mishra, be released on bail in the aforementioned case crime on furnishing a personal bond and two sureties to the satisfaction of the court concerned, subject to verification of sureties, with the conditions that he shall not tamper with evidence or intimidate witnesses and shall appear before the trial court as required.

9. Breach of any condition shall entail cancellation of bail. The observations herein shall not affect the trial on merits.

October 8, 2026
RavindraKSingh

(Krishan Pahal,J.)