



2026:AHC:206156

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30889 of 2026

Aditya Bhartiya

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Akhilesh Kumar Tiwari, Sampurna Nand
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Akhilesh Kumar Tiwari, learned counsel for the applicant, Sri DPS Chauhan, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 413 of 2025, Under Section-103 (1) of B.N.S., 2023 (corresponding Section 302 of I.P.C.) at Police Station Naini, District Prayagraj, during the pendency of the trial.

3. This is a second bail application.

4. First bail application no.41908 of 2025 was rejected by this court on 06.04.2026 on the ground that CCTV footage shows that deceased was lastly seen in the company of the applicant while both of them were going on a cycle and immediately thereafter, the applicant returned back alone and subsequently, the scarf used to strangle the deceased was also recovered on pointing out of the applicant.

5. This matter was lastly heard on 02.09.2026. On that date, learned counsel for the applicant has submitted that till date not a single witness has been examined, though the charge was framed on 27.01.2026.

6. On that date, learned AGA on the basis of order sheet had submitted that though the summon was issued on 17.03.2026, 19.04.2026, 12.05.2026 and 24.06.2026 but the applicant was not produced before the court by the jail authorities, therefore, this Court vide order dated 02.09.2026 directed the Senior Superintendent,

District-Jail, Naini, Prayagraj to appear personally and explain the reason.

7. In pursuance of the order dated 02.09.2026, the Senior Superintendent, District-Jail, Naini, Prayagraj appeared before this Court and filed personal affidavit wherein it is clearly mentioned that though the court has recorded in the order sheet that on 17.03.2026, 09.04.2026, 12.05.2026 and 24.06.2026, the applicant did not appear, no summon was sent to the jail authorities by the concerned trial court to produce the applicant before the trial court.

8. Considering the aforesaid arguments of the Senior Superintendent, District-Jail, Naini, Prayagraj, this Court vide order dated 22.09.2026 directed the Additional District and Sessions Judge, Court No.9, Prayagraj to submit explanation.

9. In pursuance of the order dated 22.09.2026, Sri Rajnish Kumar Misr, Additional District & Sessions Judge, Court No.9, Prayagraj has submitted an explanation. In his explanation, learned trial Judge has mentioned that the Court was in the impression that applicant has been released on bail, therefore, summon was not issued to the jail authorities and this fact was also not communicated by the learned counsel for the applicant before the trial court that applicant is still in jail. It is also clear from the order sheet that the trial court without verifying the record also issued NBW against the present applicant on 22.05.2026 and 24.06.2026.

10. The above fact shows sheer negligence on the part of the concerned trial court who himself presumed that applicant has been released on bail without looking into the record and kept on posting the matter on different dates and also issued non-bailable warrant against the applicant, though applicant was already confined in jail and there was nothing on record that applicant has been released on bail.

11. Therefore, this order be placed before the Administrative Judge, Prayagraj for considering whether any enquiry is required against the Additional District & Sessions Judge, Court No.9, Prayagraj for the above negligence.

12. From the perusal of the record, it appears that the charge in the present case has been framed on 27.01.2026 and on most of the

occasions, the applicant became absent before the trial court, therefore, prima facie there is no fault on the part of trial court in concluding the trial. No other ground has been raised by the applicant's counsel except for the delay in the conclusion of trial but the offence is serious in nature, merely some delay has been caused but on most of the occasions, it is the applicant who is responsible for causing delay in trial by not appearing before the trial court and application for adjournment has been moved through his counsel, therefore, no case for bail is made out, at this stage.

13. Accordingly, the second bail application of the applicant is **rejected**.

14. Office is directed to place this order before the Hon'ble Administrative Judge, Prayagraj, considering the negligence on the part of the Additional District & Sessions Judge, Court No.9, Prayagraj.

October 1, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)