2026:AHC:208171

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. BAIL APPLICATION No. - 5824 of 2026**

Kulfi @ Sumit

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

| | | |
|---|---|---|
| Counsel for Applicant(s) | : | Jitendra Kumar Yadav |
| Counsel for Opposite Party(s) | : | G.A., Kriti Gupta |

**Court No. - 68**
**(Sr. No.113 of 278)**

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised. Learned A.G.A. has informed that notice has been served to the informant on 09.02.2026.

2. Heard Sri Jitendra Kumar Yadav, learned counsel for applicant, Sri Abhishek Mishra, learned A.G.A. for the State. Learned counsel for the informant is not present.

3. The present bail application has been filed by the applicant in Session Case No.254 of 2025, under Sections 115(2), 352, 351 (3) B.N.S. and Section 5M/6 POCSO Act and Section 3(2)V of S.C./S.T. Act, Police Station Tilhar, District Shahjahanpur with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated that the F.I.R. is delayed by about two days and there is no explanation of the said delay caused. There is contradiction in the statements of the victim recorded under Section 180 &183 B.N.S.S. The applicant is languishing in jail since 05.06.2025 as such the period of incarceration is about 16 months. The fundamental rights of the applicant enshrined under Article 21 of the Constitutions of India stands violated. The applicant undertakes to cooperate with the trial.

5. Per contra, learned A.G.A. has opposed the bail application on the ground that there was injury sustained by the victim as is observed by the doctor conducting medical examination and he has categorically nominated the applicant who is the sole accused person. The trial is moving on.

6. This Court had called for the status of the trial. As per the status report, three witnesses have already been examined as such the trial is going on at the fair pace.

7. After hearing learned counsel for the parties and taking into consideration the injuries sustained by the victim and the fact that three witnesses have already been

examined, I do not find it a fit case for grant of bail to the applicant. The instant bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, as early as possible, in accordance with law, if there is no legal impediment.

9. 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.)**

**October 5, 2026**
Ashok Gupta

Digitally signed by :-
ASHOK KUMAR GUPTA
High Court of Judicature at Allahabad