2026:AHC:207754

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24912 of 2026

Sukhdev Verma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ravi Shanker Tiwari
Counsel for Opposite Party(s)	:	Devvrat Misra, G.A., Manoj Kumar Mishra

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Two rejoinder affidavits filed by applicant are taken on record.

2. Heard Sri Ravi Shanker Tiwari, learned counsel for the applicant; Sri Apul Mishra, learned Senior Counsel assisted by Sri Devvrat Misra, learned counsel for the informant and Sri Ashutosh Singh, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 455 of 2025, under Sections 103(1), 333, 352, 351(3), 3/5 BNS and 3/25/27 Arms Act, Police Station Tilhar, District Shahjahanpur, during pendency of the trial in the court below.

4. Learned counsel for the applicant submitted that however applicant is named in the FIR alongwith two others and according to the FIR he was the prime accused who by causing firearm injury committed the murder of the deceased and he was also apprehended at spot but entire allegations levelled against the applicant are totally false.

5. He further submitted that incident is said to have taken place on 25.9.2025 at 11:30 pm in the night but FIR of the present case was lodged on 26.9.2026 at 13:15 hours and therefore there is delay of 14 hours in lodgement of the FIR of the present case and this delay suggests, entire prosecution story is false and baseless.

6. He further submitted that actually applicant is Village Pradhan and on the date of incident a function was going on in the house of the informant and

when applicant arrived in the function then he found that his rivals were also present in the function and they started beating the applicant and thereafter they opened fire due to which deceased sustained injury and died and to save himself applicant locked himself in the room of the house of the informant and subsequently after 14 hours when informant lodged FIR of the present case then under the influence of rival party of the applicant he cooked up a false story and he implicated the applicant alongwith his son Dheerendra and Dharmendra.

7. He further submitted that due to assault made by rivals of the applicant he sustained serious injuries and remained in hospital for considerable period of time.

8. He further submitted that even from jail applicant gave an application on 31.10.2025 against his rivals who actually involved in the present crime but his FIR could only be lodged on 4.5.2026

9. He further submitted that applicant is innocent and he never participated in the present crime and actually he is victim who also sustained injuries.

10. He further submitted that even in the present matter applicant is in jail since 29.9.2025 i.e. for last more than a year.

11. He further submitted that therefore, considering the facts of the case, applicant may be enlarged on bail.

12. Per contra, learned AGA as well as learned counsel for the informant vehemently opposed the prayer for bail and submitted that applicant was prime accused who caused firearm injury to the deceased and even he was apprehended at spot and was locked in the room and thereafter when police arrived at spot then took him to the hospital.

13. They further submitted that as applicant was apprehended at spot, therefore, he was badly beaten by the public and it was quite natural.

14. They further submitted that however there is delay of 14 hours in lodging the FIR but as after the incident deceased was immediately taken to the hospital and therefore immediately FIR could not be lodged.

15. They further submitted that even the effect of above delay can only be properly appreciated by the trial court during trial and merely on the basis of

delay in lodging the FIR, the statements of the eye witnesses at this stage should not be disbelieved.

16. They further submitted that therefore, considering the facts of the case instant bail application may be dismissed.

17. I have heard learned counsel for the parties and perused the record of the case.

18. From the FIR and statements of the eye witnesses it reflect, applicant by causing firearm injury committed the murder of the deceased and even he was apprehended at spot and therefore, allegations levelled against the applicant are very serious.

19. Further, however there is delay of 14 hours in lodging the FIR of the present case but the explanation given by State and informant of the case in this regard cannot be completely disbelieved at this stage. Further even effect of such delay can only be properly appreciated by the trial court during trial and merely on such delay the statements of eye witnesses at this stage cannot be said to be doubtful.

20. Further, however it reflects, from the side of the applicant also a FIR was lodged against the rivals of the applicant as according to the applicant they committed the murder of the deceased but FIR of the applicant was lodged at highly belated stage and even applicant moved the application for lodging the same after one month, therefore, in view of this Court, no benefit can be extended to the applicant.

21. Further, however it reflects, in the incident applicant also sustained serious injuries and he remained in hospital for quite considerable period of time but as per prosecution he was apprehended at spot and therefore, possibility cannot be ruled out that at the time when he was apprehended then public beaten him and therefore, merely on this ground also no benefit can be extended to the applicant.

22. Further, however applicant is in jail for last one year but considering the facts and circumstances of the case including the fact that he is Gram Pradhan having larger responsibility on his shoulder, in view of this Court, merely on this ground it is not proper to release the applicant on bail, at this stage.

23. Therefore, considering the facts and circumstances of the case discussed above, in view of this Court, applicant is not entitled to be released on bail at this stage.

24. Accordingly, the instant bail application stands ***rejected***.

25. 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.

October 5, 2026
Ankita

(Sameer Jain,J.)

Digitally signed by :-
ANKITA SRIVASTAVA
High Court of Judicature at Allahabad