2026:AHC:229078

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 24762 of 2026

Rajeshwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Rameshwar Gaud, Sunil Kumar Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Rameshwar Gaud, learned counsel for applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 01.09.2025 passed in Criminal Misc. Bail Application No.24861 of 2025.

4. The present bail application has been filed by the applicant in Case Crime No.237/2024, Under Sections 80(2), 85, 103, B.N.S., 2023 and 3/4 D.P. Act, Police Station Chauk, District Maharajganj, with the prayer to enlarge him on bail.

5. Learned counsel for the applicant has stated that, as a new ground, the period of incarceration entitles the applicant to bail, as he has been in jail since 10.12.2024. As such, the period of incarceration is marginally less than two years. Learned counsel has indicated several contradictions in the statements of the witnesses. The applicant is ready to cooperate with the trial and, in case he is released on bail, undertakes not to misuse the liberty of bail.

6. Per contra, learned A.G.A. has vehemently opposed the bail application.

7. This Court had called for the status of trial from the concerned Trial

Court. As per the said status report dated 06.10.2026, four witnesses have been examined.

8. After hearing learned counsel for the parties and taking into consideration the fact that the cause of death was asphyxia as a result of ante-mortem throttling and that the trial is progressing, I do not find it to be a fit case for grant of bail to the applicant. The bail application is found to be devoid of merits and is, accordingly, ***rejected***.

9. 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.

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.)

November 2, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad