HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27066 of 2026

Mohit

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Lalit Kumar Misra, Sanjay Kumar
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.

2. Heard Lalit Kumar Misra, learned counsel for applicant, Sri Deepak Kumar Singh, learned A.G.A. for the State.

3. The present bail application has been filed by the applicant in Case Crime No.260 of 2023, under Sections 302, 34 I.P.C. and Section 3/25/27 Arms Act, Police Station Tilhar, District Shahjahanpur with the prayer to enlarge him on bail.

4. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 14.1.2026 passed in Criminal Misc. Bail Application No.31764 of 2025.

5. As a new ground, learned counsel for the applicant has stated that subsequent to the earlier order, three prosecution witnesses have been examined, namely, PW3-Anil, PW4-Anokhe and PW5-Ved Prakash and they have completely resiled from their earlier statements and have been cross-examined by the public prosecutor after declaring them hostile. As such, there is no likelihood of conviction of the applicant in the present case and he is entitled to bail. He is languishing in jail since 23.4.2023. 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 there is no new ground as the statements of PW-1 and PW-2 are intact and even the circumstances of the case go against the applicant as the dead body of the deceased (wife of applicant) was found in a pool of blood in his own house, who was murdered by causing gunshot.

7. This Court had called for the status of trial from the concerned trial court. As per the said status report dated 24.8.2026, eight prosecution witnesses have been examined.

8. After hearing learned counsel for the parties and taking into consideration the fact that the statements of PW-1 and PW-2 are intact and the trial being at its conclusive end as already eight witnesses have been examined, I do not find it a fit case for grant of bail to the applicant.

9. The instant bail application is found devoid of merits and is, accordingly, ***rejected***.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

11. 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 27, 2026
Vikas Verma

Digitally signed by :-
VIKAS VERMA
High Court of Judicature at Allahabad