2026:AHC:212743

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33980 of 2026

Raj Narayan @ Raju

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Rajendra Prasad Shukla, Rishabh Shukla
Counsel for Opposite Party(s) : G.A.

Court No. - 43

HON'BLE SIDDHARTH, J.

Heard Sri Rajendra Prasad Shukla, learned counsel for the applicant and learned A.G.A for the State.

This is second bail application of the applicant.

The first bail application of the applicant was rejected by this court on 20.02.2025 directing the trial court to conclude the trial court as expeditiously as possible, preferably within one year, from the date of production of certified copy of this order.

Counsel for the applicant submits that earlier the order of this court was filed before trial court on 29.04.2025 but as yet trial has not been concluded. P.W.-1, father of the victim has turned hostile while P.W.-2, mother of the victim is being examined. The applicant is in jail since 03.10.2023 and has no criminal history to his credit. Trial will take time to conclude.

On the other hand learned A.G.A has opposed the prayer for bail.

Keeping in view the nature of the offence, evidence, complicity of the accused, submissions of the learned counsel for the parties noted above, finding force in the submissions made by the learned counsel for the applicant, larger mandate of the Article 21 of the Constitution of India, considering the dictum of Apex Court in the case of ***Manish Sisodia vs. Directorate of Enforcement, 2024 LawSuit (SC) 677*** and considering 5-6 times overcrowding in jails over and above their capacity by the under trials and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is allowed.

Let the applicant, Raj Narayan @ Raju, involved in S.T. No. 767 of 2024 (State vs. Raj Narayan @ Raju and another) arising out of Case Crime No. 332 of 2023, under Sections- 498-A, 304-B, 315 IPC and Section 3/4 of D.P. Act, P.S.- Sarai Lakhansi, District- Mau, be released on bail on his

furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with the evidence or threaten the witnesses.

(ii) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(iii) The applicant shall remain present before the Trial Court on each date fixed, either personally or as directed by the Court. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A of the Indian Penal Code.

(iv) In case the applicant misuses the liberty of bail during trial and in order to secure his presence, proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the Court on the date fixed in such proclamation then the Trial Court shall initiate proceedings against him in accordance with law under Section 174-A of the Indian Penal Code.

(v) The applicant shall remain present in person before the Trial Court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

In case, of breach of any of the above conditions, it shall be a ground for cancellation of bail.

Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

October 9, 2026
Rohit

(Siddharth,J.)

Digitally signed by :-
ROHIT DAS
High Court of Judicature at Allahabad