2026:AHC:208797

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35493 of 2026

Jagdish Raikwar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Pradip Kumar Rao, Santosh Kumar Rao
Counsel for Opposite Party(s)	:	G.A., Hanuman Prasad Kushwaha

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri P.K. Rao, learned counsel for the applicant, Sri Hanuman Prasad Kushwaha, learned counsel for informant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 248 of 2025, under Sections 103(1), 238 BNS, Police Station Bar, District Lalitpur during pendency of the trial.

3. Learned counsel for the applicant submits, however, this is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed vide order dated 15.07.2026 which has been annexed at page-16 of the paper-book but in the present matter applicant is in jail since 18.07.2025 i.e. for last more than a year and till date not even statement of PW-1 could be completed and therefore trial of the case is moving with languid pace and there is no hope of its early disposal specially considering the fact that in the charge-sheet there are as many as 27 witnesses.

4. He further submits, however, apart from the present case applicant is having criminal history of one another case but his criminal history has been explained in the instant bail application.

5. He further submits, therefore, considering the facts of the case, the instant bail application may be allowed.

6. Per contra, learned AGA as well as learned counsel for informant opposed the prayer for bail and submit, first bail application of the applicant has been

dismissed on merit with a very detailed order on 15.07.2026 and within two months without any new ground he moved the instant second bail application.

7. They next submit, however in the present matter applicant is in jail since 18.07.2025 i.e. for last more than a year but even at the time of rejection of his first bail applicant he was in jail for last one year. They further submit, there is no new ground on the basis of which his second bail application may be considered.

8. They further submit, therefore, considering the facts of the case the instant second bail application may be dismissed.

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

10. This is second bail application filed on behalf of applicant. The first bail application of the applicant has been dismissed on merit after considering the facts of the case in detail. It reflects within two months applicant moved the instant second bail application without any new ground on the basis of which his second bail application may be considered specially considering the fact that even at the time of rejection of first bail application, he was in jail for last one year.

11. Further, even apart from the present case applicant is also having criminal history of one case of extortion.

12. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

13. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

14. 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 6, 2026
AK Pandey

(Sameer Jain,J.)

Digitally signed by :-
ANUPAM KUMAR PANDEY
High Court of Judicature at Allahabad