2026:AHC:207927

**HIGH COURT OF JUDICATURE AT ALLAHABAD**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No. - 8696 of 2025**

Rahul Singh Alias Vishal Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

| | | |
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| Counsel for Applicant(s) | : | Diwan Saifullah Khan |
| Counsel for Opposite Party(s) | : | Amarnath Tripathi, G.A. |

**Court No. - 65**

**HON'BLE SAMEER JAIN, J.**

1. Sri Abhishek Ankur Chaurasia, learned Advocate holding brief of Sri Diwan Saifullah Khan, learned counsel for the applicant, Sri Amarnath Tripathi, learned counsel for informant and Sri Kartikeya Saran, learned Additional Advocate General assisted by Sri Vijay Kumar, learned AGA-I for the State are present.

2. On 16.09.2026 following order was passed by the co-ordinate Bench of this Court:-

*"1. On 01.09.2026, the following order was passed by this Court:-*

*"1. Learned counsel for the applicant, learned counsel for the informant and learned A.G.A. are present.*

*2. Pursuant to the earlier order dated 13.08.2026, Sub-Inspector Pradeep Kumar Pandey, Police Station Sindhora, District Varanasi (PNS No. 224111399), the former Investigating Officer of the present case, is personally present before the Court. He submits that the investigation of the present case was handed over to him in May 2025 and that he was transferred to another police station in June 2026. Thereafter, he has no knowledge regarding the status of the investigation.*

*3. The learned A.G.A. submits that, upon the transfer of the Investigating Officer, it is the duty of the Station House Officer to allot the investigation to some other police officer. However, it appears that, after the transfer of the Investigating Officer in June 2026, the investigation has not been handed over to any other police officer.*

*4. The Station House Officer, Police Station Rajatalab, District Varanasi, shall remain personally present before the Court on the next date of listing and shall*

*explain as to why, after the transfer of the present Investigating Officer, namely, Pradeep Kumar Pandey, the investigation of the present case has not been handed over to any other police officer. He shall also file his personal affidavit in respect of the status of the present investigation. Sub-Inspector Pradeep Kumar Pandey shall also remain personally present before the Court on the next date of listing.*

*5. Put up this case as fresh on 16.09.2026."*

*2. Pursuant to earlier order dated 01.09.2026, Shri Pradeep Kumar Pandey, Sub Inspector, Police Station Sindhora, District Varanasi (PNS No. 224111399), the former Investigating Officer of the present case, Shri Dayaram, Inspector (Line), the then Station House Officer, Police Station Rajatalab, District Varanasi and Shri Jitendra Kumar, presently posted as Station House Officer, Police Station Rajatalab, District Varanasi, are present in the Court.*

*3. All the aforesaid police officials have filed their personal affidavits, which are taken on record.*

*4. On perusal of the affidavit filed by Shri Dayaram, Inspector (Line), the then Station House Officer, Police Station Rajatalab, District Varanasi, it is clear that Shri Ajay Kumar Srivastava, A.C.P., Rajatalab, Commissionerate Varanasi, passed an order dated 10.02.2026, whereby the Station House Officer, Rajatalab, District Varanasi, was directed to hand over investigation of Case Crime No.84 of 2025 to some other investigating officer from Shri Pradeep Kumar Pandey, Sub Inspector. Vide his order dated 10.02.2026, he also directed that, after handing over the investigation to another investigating officer, the Station House Officer, Rajatalab, would inform him in writing and that the investigation would be concluded without any further delay. It reveals from the records that the investigation of the present case crime number was not handed over/transferred to any police officer pursuant to the order dated 10.02.2026, and for the first time it was handed over to Sub-Inspector Ankur on 27.08.2026 when this Court had proceeded in this matter. From perusal of the records, it appears that the then Station House Officer had slept over the file of the present case and did not comply with the order dated 10.02.2026. The investigation is still pending in the present case.*

*5. In view of the facts and circumstances of the present case, the Commissioner of Police, District Varanasi, shall remain present before this Court on 05.10.2026, alongwith Shri Pradeep Kumar Pandey, Sub Inspector, Police Station Sindhora, District Varanasi (PNS No. 224111399), the former Investigating Officer of the present case, Shri Dayaram, Inspector (Line), the then Station House Officer, Police Station Rajatalab, District Varanasi. The Commissioner of Police, District Varanasi shall submit his explanation through affidavit as to what action has been taken by him against the erring Inspector/Station House Officer concerned for not complying with the order dated 10.02.2026 passed by the Assistant Commissioner of Police,*

*Rajatalab, Commissionerate-Varanasi.He shall also explain as to why investigation of the present case is still pending.*

*6. Shri Jitendra Kumar, presently posted as Station House Officer, Police Station Rajatalab, District Varanasi, need not to appear before the Court on the next date of listing.*

*7. Put up this case as a fresh case on 05.10.2026.*

*8. Learned AGA is directed to communicate this order to the Commissioner of Police, Commisonerate, Varanasi through fastest mode within three days. The learned AGA is also directed to send a complete copy of the personal affidavit filed by Shri Dayaram, Inspector (Line), the then Station House Officer, Police Station Rajatalab, District Varanasi to the Commissioner of Police, Commissionerate, Varanasi for proper reply."*

3. Pursuant to the order dated 16.09.2026 Sri Mohit Agarwal, Commissioner of Police, Varanasi, the then SHO Dayaram, Police Station Rajatalab, Varanasi and Sri Pradeep Kumar Pandey, Sub Inspector of Police, Police Station Sindhaura, Varanasi are present in person before this Court. The personal affidavit of Sri Mohit Agarwal, Commissioner of Police, Varanasi has been filed which is taken on record.

4. The personal affidavit filed by Sri Ankur Kumar, the present Investigating Officer of the case is also taken on record.

5. On query, what action has been taken against the erring SHO concerned, the Commissioner of Police, Varanasi informed to this Court that he has been suspended and departmental inquiry against him is pending and specific averment in this regard has been made by him in his personal affidavit filed today. He also submits, in future no such error shall occur and he also tendered unconditional and unqualified apology for the inconvenience caused to this Court.

6. Considering the fact that Commissioner of Police, Varanasi has already taken action against the erring officer and he is under suspension and departmental inquiry is pending against him in view of this Court no further action is required by this Court.

7. The personal presence of Sri Mohit Agarwal, Commissioner of Police, Varanasi, the then SHO Dayaram, Police Station Rajatalab, Varanasi and Sri Pradeep Kumar Pandey, Sub Inspector of Police, Police Station Sindhaura,

Varanasi is no more required.

**Order on anticipatory bail application**

1. Sri Abhishek Ankur Chaurasia, learned Advocate holding brief of Sri Diwan Saifullah Khan, learned counsel for the applicant, Sri Amarnath Tripathi, learned counsel for informant and Sri Vijay Kumar, learned AGA-I for the State are present.

2. The present anticipatory bail application has been filed on behalf of the applicant in F.I.R./Case Crime No. 84 of 2025, under Sections 309 (6), 115(2), 352 BNS, Police Station Rajatalab, District Varanasi with a prayer to enlarge him on anticipatory bail during trial.

3. At the very outset, learned counsel for applicant submits, during pendency of instant anticipatory bail application applicant has surrendered before the court concerned on 28.09.2026, therefore, instant anticipatory bail application has become infructuous and therefore same may be dismissed as infructuous.

4. Learned AGA as well as learned counsel for informant are having no objection.

5. Considering the submission made by learned counsel for applicant, the instant bail application stands dismissed as infructuous.

**October 5, 2026**
AK Pandey

**(Sameer Jain,J.)**

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