HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37671 of 2026

Anil Kumar Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gyan Babu Pal, Krishna Kumar Chaurasia
Counsel for Opposite Party(s)	:	Arvind Kumar Singh, G.A., Sumit Singh

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Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Krishna Kumar Chaurasia, learned counsel for the applicant, Sri Anurag Pandey, learned A.G.A. for the State and perused the record.

2. This is a second bail application filed on behalf of the applicant with a prayer to release him on bail in Case Crime No. 366 of 2025, under Section 333, 109(1) and 115(2) of B.N.S., P.S. Kotwali Chunar, District-Mirzapur, during the pendency of the trial. The first bail application of the applicant being Criminal Misc. Bail Application No. 7991 of 2026 was rejected on 10.03.2026.

3. Contention of learned counsel for the applicant is that the first informant, who is also an injured witness, namely, Shyambihari Singh, did not support the prosecution story before the trial court and was also declared hostile. Therefore, as on date, there is no material against the applicant; hence, the applicant is entitled to be released on bail. It is further submitted that the applicant has no criminal history. It is further submitted that the charge sheet has been filed in the present case; therefore, there is no requirement for custodial interrogation. The applicant is a law-abiding citizen and has been languishing in jail since 05.09.2025. In case he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail

and submitted that the other injured witnesses, Sushil Kumar and Sunil Kumar, had also received injuries, but they have not been examined before the trial court and they had also supported the prosecution story during the investigation. Therefore, in the absence of the statements of the other injured witnesses, Sushil Kumar and Sunil Kumar, no new ground can be said to have arisen at this stage. Therefore, the applicant is not entitled to be released on bail.

5. Considering the entire facts and circumstances of the case, the submissions of learned counsel for the parties, and taking into account the fact that the injured witnesses Sunil Kumar and Sushil Kumar have not been examined before the trial court, merely because one of the injured witnesses namely Shyambihari Singh (first informant) did not support the prosecution story cannot be said to be a ground to discard the statements of the other prosecution witnesses who supported the prosecution story during the investigation; hence, no case for bail is made out.

6. Accordingly, the bail application filed on behalf of the applicant is hereby rejected. However, the applicant is at liberty to renew his prayer for bail after recording the statements of the other injured witnesses, Sushil Kumar and Sunil Kumar.

7. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

October 23, 2026
SA

Digitally signed by :-
SALMAN ALI
High Court of Judicature at Allahabad