HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37652 of 2026

Vijay Prakash @ Khurma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Anand Prakash Yadav, Divyanshu Nandan Tripathi

Counsel for Opposite Party(s) : G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Divyanshu Nandan Tripathi, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Session Trial No. 297 of 2025 (State Vs. Suraj alias Shivam and others) arising out of Case Crime No.175 of 2025, under Sections 103(1), 3(5) and 61(2)(a) BNS, Police Station Charwa, District Kaushambi during pendency of the trial.

3. Learned counsel for the applicant submits that however, this is second bail application filed on behalf of the applicant and his first bail application has been dismissed by this Court on 01.7.2026 vide Criminal Misc.Bail Application No.13119 of 2026 but after rejection of first bail application when witnesses appeared before the trial court including the informant then from their statements it reflects that applicant is innocent.

4. He next argued that from the statement of the informant recorded before the trial court it appears that he himself did not lodge FIR and tehrir has been written by Gram Pradhan.

5. He further argued that even in the present matter applicant is in jail since August, 2025, i.e., for the last more than a year.

6. He further submits that however, apart from the present case applicant is having criminal history of two other cases but in both the cases applicant is on bail.

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

8. Per contra, learned AGA opposed the prayer for bail and submits that just about three months before first bail application of the applicant has been dismissed by this Court after considering entire facts in detail. He next submits that however, it reflects that now some prosecution witnesses have been examined but at the stage of bail it is not desirable to analyse their statements.

9. He next submits that considering the facts of the case, it reflects that there is no new ground on the basis of which instant second bail application may be allowed.

10. He further submits that therefore, considering the facts of the case, the instant second bail application filed by applicant may be dismissed.

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

12. This is the second bail application filed on behalf of the applicant and his first bail application has been dismissed with a very detailed and reasoned order after considering entire facts of the case on 01.7.2026, i.e., about three months before.

13. Further, however, it reflects that some prosecution witnesses have been examined before the trial court and according to the learned counsel for the applicant, from their statements it reflect that applicant is innocent and FIR is false but this Court finds merit in the argument advanced by learned AGA that detail analysis of the testimonies of the prosecution witnesses recorded before the trial court is neither permissible nor possible at the stage of bail.

14. Further, however, in the present matter applicant is in jail since 23.8.2025, i.e., for the last more than a year but he is facing trial of murder in which maximum punishment is life imprisonment and even he is having criminal history of two other cases though in both the cases he is on bail.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, there is no new ground on the basis of

which instant second bail application filed by the applicant may be allowed.

16. Accordingly, the instant bail application is **rejected.**

17. 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.

(Sameer Jain,J.)

October 24, 2026
SKM

Digitally signed by :-
SHRAVANA KUMAR MISHRA
High Court of Judicature at Allahabad