2026:AHC:211720

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 41786 of 2025

Prahlad Gaund

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Vinod Kumar Singh Kushwaha
Counsel for Opposite Party(s) : G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Vinod Kumar Singh Kushwaha, learned counsel for the applicant and Sri B.P. Singh, learned AGA appearing for the State respondents.

2. The present bail application has been filed on behalf of applicant with a prayer to release him on bail in Case Crime No. 584 of 2012, under Section 302 IPC, registered at Police Station Saidpur, District Ghazipur, during pendency of the trial.

3. It has been argued by the learned counsel for the applicant that applicant is innocent and he has been falsely implicated in this case and he has been languishing in jail since 24.4.2025. It is next submitted that as per FIR, the role of assault has been assigned to co-accused Karmesh Gaund, however, during investigation two eyewitnesses Shambhu and Dimple have stated that co-accused Karmesh caught hold of the deceased and the applicant gave him stab blow. It is further submitted that there are material contradictions in the version of the FIR as well as statement of the eyewitnesses. It is further submitted that as per the report submitted by the learned CJM, the case is yet to be committed to the Court of Session as the co-accused Karmesh Gaund has been lodged in jail at Pune, Maharashtra and efforts are being made to secure his presence by the learned Magistrate. It is also submitted that the applicant undertakes that he will not misuse the liberty, if

granted. It has also been pointed out that in the wake of heavy pendency of cases in the Court, there is no likelihood of any early conclusion of trial.

4. On the other hand, learned AGA has opposed the prayer for grant of bail and it is submitted that the first informant is not the eyewitness and during investigation eyewitnesses Shambhu and Dimple have stated that co-accused Karmesh Gaund caught hold of the deceased and the applicant gave him stab blow. It is next submitted that incident took place in the year 2012 and the applicant remained absconded for 13 years.

5. As per allegations in the first information report, co-accused Karmesh Gaund is said to have given stab blow to the brother of the first informant as a result of which the deceased received ante-mortem stab wounds on his person. During investigation, eyewitnesses Shambhu and Dimple have stated that co-accused Karmesh Gaund caught hold of the deceased and the applicant gave him stab blow. The incident took place in the year 2012 and the applicant remained absconded for 13 years. As per the report submitted by the CJM, the case is yet to be committed to the Court of Session as the co-accused Karmesh Gaund has been lodged in jail at Pune, Maharashtra and efforts are being made to secure his presence by the learned Magistrate.

6. Considering the nature of the allegations levelled against the applicant and other attending facts and circumstances of the case and without expressing any opinion on its merit, no case for grant of bail is made out.

7. Present application is accordingly **dismissed**.

8. However, the learned Court concerned is directed commit the case to the Court of Session at the earliest and thereafter the learned Sessions Court shall make every endeavour to expedite the trial of the case as expeditiously as possible, preferably within a period of one year and the applicant is directed to cooperate in

the trial.

9. In case, the trial is not concluded within the stipulated time, the applicant shall be at liberty to approach this Court again from grant of bail.

October 8, 2026
Abhishek

(Jitendra Kumar Sinha,J.)

Digitally signed by :-
ABHISHEK AGRAHARI
High Court of Judicature at Allahabad