2026:AHC:227393

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39013 of 2026

Subhash Mishra

.....Applicant(s)

Versus

State Of U.P. And 3 Others

.....Opposite Party(s)

Counsel for Applicant(s) : Ankit Kumar Singh, Ritesh Singh
Counsel for Opposite Party(s) : G.A.

Court No. - 68

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri R.N. Nigam, learned Advocate holding brief for Sri Ankit Kumar Singh, learned counsel for applicant, Sri A.K. Mishra, learned A.G.A. for the State and perused the material placed on record.

3. The present bail application has been filed by the applicant in Session Case No. 153 of 2025 arising out of Case Crime No. 13 of 2025, under Sections 65(2), 351(2) BNS and 5(m)/6 of POCSO Act, Police Station Bankata, District Deoria, with the prayer to enlarge him on bail.

4. This is the second bail application filed on behalf of the applicant. The first one was rejected by this Court passed in Criminal Misc. Bail Application No. 14693 of 2025 vide order dated 26.3.2026.

5. Learned counsel for the applicant has stated that as a new ground, it is the period of incarceration on which the applicant is entitled for bail as he is in jail since 4.2.2025 and about about one year and eight months have passed since his incarceration. The fundamental rights enshrined under Article 21 of the Constitution of India stand violated as there is no likelihood of early conclusion of trial in near future. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned A.G.A. has vehemently opposed the bail application.

7. After hearing learned counsel for the parties and taking into consideration

the fact that no new ground is there for pressing the second bail application, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible, if there is no legal impediment.

9. 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.

10. The Registrar Compliance is directed to transmit a copy of this order to the trial court concerned for necessary compliance.

(Krishan Pahal,J.)

November 2, 2026
Shalini

Digitally signed by :-
SHALINI JAISWAL
High Court of Judicature at Allahabad