



2026:AHC:84036

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5827 of 2026

Manjeet Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Neeraj Srivastava, Rayoof
Ali

Counsel for Opposite Party(s) : G.A., Gaurav Kumar Shukla

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. This matter was heard on 07.04.2026 and again on 10.04.2026, and the following orders were passed on those dates :

"1. A compliance affidavit and personal affidavits have been filed by Shri D.P.S. Chauhan, learned A.G.A.-I, on behalf of Upendra Singh, Sub-Inspector, Police Station Walterganj, District Basti, as well as Rajiv Kumar, Joint Director (Prosecution), Basti, in compliance with the order of this Court dated 31.03.2026. The same are taken on record.

2. This matter was heard on 12.03.2026 and 23.03.2026. On those dates, this Court found that, despite repeated reminders sent by the Joint Director, Prosecution, High Court, Allahabad, instructions were not supplied to the learned A.G.A. for the State. Therefore, this Court directed the Superintendent of Police, Basti, to file a personal affidavit to explain the negligence on his part.

3. In compliance with the order of this Court dated

23.03.2026, the Superintendent of Police, Basti, has filed an affidavit of compliance dated 28.03.2026, mentioning therein in paragraph 9 of the said affidavit that the S.H.O., Police Station Walterganj, Basti, communicated to the Joint Director, Prosecution, Basti, on 14.02.2026 for preparing instructions regarding parawise-reply in the present case, and the Joint Director, Prosecution, Basti, prepared the parawise-reply on 17.03.2026.

4. Upon perusal of paragraph 9 of the personal affidavit of the Superintendent of Police, Basti, this Court prima facie found negligence on the part of the Joint Director, Prosecution, Basti, in preparing the parawise-reply and sending the same almost after one month. Therefore, this Court vide order dated 31.03.2026 directed the Joint Director, Prosecution, Basti, to appear personally before this Court to explain the negligence on his part, as the matter relates to personal liberty of an individual. The Court further directed to bring on record the enquiry report of the Circle Officer, who was appointed by the Superintendent of Police, Basti, to conduct an enquiry to determine the negligence on the part of any officer.

5. In compliance with the order of this Court dated 31.03.2026, an affidavit of compliance has been filed by Shri Upendra Singh, Sub-Inspector, Police Station Walterganj, District Basti, wherein he has mentioned that after conclusion of enquiry, the Circle Officer submitted a report mentioning therein that the entire documents were handed over to Head Constable Manoj Kumar Yadav on 13.02.2026 to hand over the same to the Joint Director, Prosecution, Basti, for preparing the parawise-comments. It is further mentioned that Head Constable Manoj Kumar Yadav stated that he had handed over the same in the office of the Joint Director,

Prosecution, Basti, but no receiving was given to him, and finally the Joint Director, Prosecution, Basti, prepared the parawise-comments on 17.03.2026, which were subsequently filed before this Court, and by this enquiry, prima facie Head Constable Manoj Kumar Yadav was found to be negligent.

6. In pursuance of the order of this Court dated 31.03.2026, the Joint Director, Prosecution, Basti, is present and has filed a personal affidavit mentioning therein that he received parawise-comments dated 16.03.2026, prepared by the Investigating Officer, in his office on 17.03.2026, and after examination, he checked the same and forwarded it for filing, which was also recorded in the register. Upon making enquiry by this Court from the Joint Director, Prosecution, Basti, regarding his negligence in preparation of parawise-comments, he submitted that it is the Investigating Officer who prepares the parawise-comments and not the Joint Director, Prosecution, Basti, and that the duty of the Joint Director, Prosecution, Basti, is that after receiving the parawise-comments from the concerned Investigating Officer, he checks the same and then approves for sending it to the High Court.

7. The above facts show that the enquiry report submitted by the Circle Officer, Sadar, Basti, dated 06.04.2026, holding Head Constable Manoj Kumar Yadav as guilty, is absolutely full of defects and cannot be relied upon, and appears to have been prepared to protect the Investigating Officer of the case, who was highly negligent in preparing the parawise-comments. Therefore, the affidavit of the Superintendent of Police, Basti, itself appears to be incorrect and contrary to the affidavit as well as the stand taken by the Joint Director, Prosecution, Basti, and filing of a false affidavit on incorrect averments before the High Court amounts to

contempt.

8. Therefore, the Superintendent of Police, Basti, is directed to appear personally before this Court on the next date of listing to explain as to why contempt proceedings may not be initiated against him for filing the false affidavit on the basis of incorrect facts regarding preparation of parawise-comments by the Joint Director, Prosecution, Basti, on 17.03.2026. The Investigating Officer of the case shall also appear personally before this Court on that date.

9. List this case as fresh on 10.04.2026.

10. Let a copy of this order be communicated to the Superintendent of Police, Basti through Registrar (Compliance), for the compliance.

11. Personal appearance of the Joint Director, Prosecution, Basti, is exempted until further orders of this Court.

April 7, 2026

SA"

"1. In pursuance of order dated 07.04.2026, a compliance affidavit has been filed by the Additional Superintendent of Police, Basti, along with an exemption application seeking exemption of personal appearance by the Superintendent of Police, Basti. Affidavit is taken on record.

2. Paragraph nos.9 and 10 of this personal affidavit is contrary to the stand taken by the Joint Director (Prosecution), Basti.

3. Personal appearance of Superintendent of Police, Basti is exempted for today.

4. List as fresh on 16.04.2026.

5. On the next date, Superintendent of Police, Basti as well as Joint Director (Prosecution), Basti shall appear in person before this Court.

6. Registrar (Compliance) is directed to send a copy of this order to the Superintendent of Police, Basti as well as the Joint Director (Prosecution), Basti, for necessary compliance.

April 10, 2026

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2. In compliance with the order of this Court dated 10.04.2026, Shri Yashveer Singh, Superintendent of Police, Basti, as well as Shri Rajiv Kumar, Joint Director (Prosecution), Basti, are present in Court in person today.

3. Joint Director (Prosecution), Basti has placed reliance upon the Government Order dated 21.01.2020, wherein the procedure of preparation of parawise comments regarding the bail has been mentioned. Paragraph-10 of the said Government Order prescribes the duty of S.H.O./Investigating Officer to prepare parawise comments. Similarly, paragraph-9 of the aforesaid Government Order further prescribes that within two days of the receipt of the notice of the bail or other writ petitions, parawise comments have to be prepared and the same shall be sent to the Prosecution Officer, who will check the same and approve the parawise comments. He further submitted that his averments in the personal affidavit were in consonance with the above Government Order and that he received the parawise comments from the concerned Investigating Officer on 17.03.2026 and he immediately checked, approved and forwarded the same on the same day to the High Court. In support of his submission, he has also annexed the extract of the register.

4. On being confronted, Superintendent of Police, Basti realized his mistake and, in his compliance affidavit dated 16.04.2026, he mentioned in paragraph-6 that paragraph-9 and paragraph-10 of his earlier affidavit dated 28.03.2026 were based on the information supplied by the pairokar, against which action has also been taken. He further mentioned in paragraphs-9 and 10 of the compliance affidavit dated 16.04.2026 that he never intended to present wrong facts before the Court and he offered an unconditional apology for the same.

5. From the perusal of the instructions supplied to learned A.G.A. for the State, it is clear that the Investigating Officer has signed the parawise comments on 16.03.2026 and the same was checked, approved and forwarded by the Joint Director (Prosecution), Basti on 17.03.2026, to this Court. Therefore, it is not in dispute that the parawise comments were not prepared before 16.03.2026. Therefore, enquiry report of Circle Officer as well as earlier affidavits filed by the Investigating Officer as well as Superintendent of Police, Basti, were incorrect. On the basis of these facts, not only the Investigating Officer but also the Superintendent of Police placed incorrect facts before the Court, though they have offered an unconditional apology for the same on the ground that the pairokar has not given them correct information.

6. This Court is of the view that the person who has been given the charge of the district must be mindful to any information given by his subordinates, especially by a Head Constable or Sub-Inspector, and he must be aware that any incorrect fact on affidavit before the High Court may attract proceedings of criminal contempt.

7. In the present case, Superintendent of Police, Basti has provided incorrect information in paragraph-9 of his personal affidavit dated 28.03.2026 to save his subordinate

police officer by shifting the burden upon the Joint Director (Prosecution), Basti, though there is no fault on the part of the Joint Director (Prosecution), Basti.

8. However, this Court considering the apology of Superintendent of Police, Basti is taking a lenient view of the matter and instead of passing any order against him, directs him to remain in Court till rising of the Court so that he may remain more careful in future while filing affidavits in High Court or in any Court of Law.

9. Coming to the merits of the case, heard Sri Neeraj Srivastava along with Sri Rayoof Ali, learned counsel for the applicant, Sri Gaurav Kumar Shukla, learned counsel for the first informant and Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.

10. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No. 226 of 2025, under Section- 103(1) of B.N.S., Police Station- Walterganj, District- Basti, during the pendency of the trial.

11. Contention of learned counsel for the applicant is that, in the FIR, an allegation has been made that the applicant was harassing the deceased Mishlawati and when she went to attend the nature call on 25.09.2025 at 8:00 a.m., then he abducted and pressurized her for marriage and when she refused for the same, then the applicant along with three other boys strangulated her and thereafter also poured poison in the mouth of the deceased and he also tried to show that he had also consumed poison.

12. It is further submitted that in the inquest report, no injury was found on the person of the deceased and thereafter, in the postmortem report, only contused swelling was found over the right temporal parietal region, left temporal parietal region and occipital region, which can be caused by accidental fall. It is also submitted that there is a delay in

lodging the FIR of 17 days without any explanation. It is further submitted that there is no recovery of any brick or any hard and blunt object which could be used to cause such injury. It is further submitted that actually the applicant was having love affairs with the deceased and the family of the deceased was opposing their relationship and on the fateful day deceased and applicant after brief discussion consumed poison but because of insufficient quantity both became fainted and deceased's head accidentally hit the ground and she received injuries.

13. It is further submitted that the applicant has no criminal history. It is further submitted that charge sheet has been filed in the present case, therefore, there is no requirement of custodial interrogation. The applicant is a law abiding citizen and he is languishing in jail since 12.10.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

14. Per contra, Sri Anoop Trivedi, learned A.A.G., assisted by Sri D.P.S. Chauhan, learned A.G.A. for the State, has vehemently opposed the prayer for bail and submitted that the four eye-witnesses, namely Pooja, Shobha, Sheetal and Bindu, have seen that the applicant was following the deceased while she was going to attend the nature call and two witnesses, Roopa Devi and Jamuna Devi, have also seen when the deceased and the applicant were quarreling over some issues and there was a brick in the hand of the applicant, therefore, he is not entitled to be released on bail. Learned counsel for the first informant has also adopted the submission advanced by learned A.G.A for the State.

15. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account the fact that there

was no eye-witness to the incident in question except the last seen of the deceased in the company of the applicant and it is the admitted case of the applicant that the deceased and the applicant were in love affairs and both of them consumed poison thereafter deceased appeared to have received received injuries on accidental fall and no weapon has been recovered on the pointing out of the applicant, as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

16. Let the applicant- **Manjeet Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

17. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

18. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

19. Verification of mobile number and Aadhar card of the applicant as well as sureties should be verified by the court concerned.

20. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

21. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

22. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685**.

(Arun Kumar Singh Deshwal,J.)

April 16, 2026

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