



2025:AHC:210581

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32994 of 2025

Vinod Ram

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ashok Kumar Maurya
Counsel for Opposite Party(s)	:	G.A., Pramod Kumar, Sarvesh Kumar Singh

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Personal affidavit filed today by Sri Om Veer Singh, Superintendent of Police, Ballia, is taken on record
2. Heard Sri Ashok Kumar Maurya, learned counsel for the applicant, Sri Pramod Kumar, learned counsel for the first informant and Sri Ajit Kumar Singh, Additional Advocate General, assisted by Sri D.P.S. Chauhan, learned A.G.A. for the State and perused the record.
3. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.123 of 2025, under Sections-140(1), 61(2), 238 BNS, Police Station-Bansdih Road, District-Ballia, during the pendency of the trial.
4. This matter was heard on 17.11.2025 and following order was passed:

"From perusal of record, it appears that this Court by order dated 08.10.2025 directed the learned AGA to seek instructions regarding the current status of the investigation as well as efforts made towards the recovery of the abductee- Ram Niwas in Case Crime No. 123 of 2025, Police Station- Baansdeeh Road, District- Ballia.

Learned AGA, in compliance of the aforesaid order, informs the Court that he has sent a letter dated 14.10.2025 to the Senior Superintendent of Police, Ballia seeking instructions, but till date, no instruction has been supplied.

This Court is of the view that because of the negligence on the part of the Senior Superintendent of Police, Ballia, this bail application could not be disposed of. This is nothing but interference in the administration of justice. Such act on the part of the Senior Superintendent of Police, Ballia is contemptuous. Therefore, Senior Superintendent of Police, Ballia is hereby directed to appear personally before this Court along with the relevant record showing the effort made by the police subsequent to 08.10.2025 to recover the

abductee- Ram Niwas.

Put up this case as fresh on 25.11.2025.

Registrar (Compliance) is hereby directed to communicate this order to the Senior Superintendent of Police, Ballia, forthwith."

5. In pursuance of the aforesaid order, personal affidavit has been filed by Sri Om Veer Singh, Superintendent of Police, Ballia, wherein it is mentioned that office has received communication dated 14.10.2025 from the office of Government Advocate and thereafter the office of undersigned has sent an intimation dated 15.10.2025 along with a copy of the order dated 08.10.2025 of this court to the Circle Officer, Bansdih, Police Station, Bansdih Road. It is further mentioned that the Investigating Officer, Sub-Inspector, Mahendra Rawat, has collected the letter dated 14.10.2025 issued by the office of Government Advocate on 21.10.2025 but despite receiving the same, he did not provide necessary instructions to the office of Government Advocate and for that reason, a direction for preliminary enquiry has been initiated against the Sub-Inspector, Mahendra Rawat and he has also been suspended till the conclusion of the enquiry.

6. In the aforesaid affidavit, it is mentioned that body of Ram Nivas Ram is not traceable despite best efforts of police as accused might have thrown him in Saryu river from Prabha bridge. It is also mentioned in the aforesaid affidavit that a team has been constituted to trace out the body of Ram Nivas Ram.

7. Considering the aforesaid averment of the personal affidavit, court is satisfied with the explanation submitted by the Superintendent of Police, Ballia and expects that after conclusion of enquiry against the negligent police officer, necessary action would be taken.

8. Learned counsel for the applicant has submitted that there is no witness who has lastly seen the abductee Ram Nivas Ram in the company of the applicant and merely on the basis of statement of co-accused Bhagelu Ram, he has been falsely implicated. 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 17.07.2025. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

9. Per contra, learned A.G.A. has vehemently opposed the prayer and submitted that though the chargesheet has been filed against the applicant u/s 140(1), 61(2), 238 BNS but the investigation to trace out the body of Ram Nivas Ram is still pending.

10. 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 accused 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.

11. Let the applicant- **Vinod Ram**, 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.

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

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

14. 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.

15. 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.

16. 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**.

17. Personal appearance of Sri Om Veer Singh, Superintendent of Police, Ballia is exempted.

18. In the present case, the bail application of the applicant could not be disposed of for more than one month because of the negligence in providing instruction by the concerned Investigating Officer, therefore, liberty of the applicant has been curtailed because of this reason and he remained in jail for more than one month unnecessarily despite being having a case of bail.

19. Therefore, this court proposes a compensation to the applicant by imposing a cost on the State Government but learned AGA requested that the cost may not be imposed in this matter and in future the State will endeavour to provide instructions in timely manner.

20. Therefore, considering the aforesaid submission, this court resists itself from imposing any cost on the negligent Sub-Inspector or the State Government. However, this court directs the Director General of Police, U.P., Lucknow to issue a circular to all district police chiefs that in case any negligence is found on the part of any police officer in providing instruction in bail to the Government Advocate then same shall be dealt with strictly.

21. **Registrar (Compliance)** is directed to send a copy of this order to Director General of Police, U.P., Lucknow, for necessary compliance.

November 25, 2025
S.C.

(Arun Kumar Singh Deshwal,J.)