



HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 40857 of 2024

Amit Kumar

.....Applicant(s)

Versus

State Of Up 3 Others

.....Opposite
Party(s)

Counsel for Applicant(s) : Mohd. Shahibe Alam

Counsel for Opposite Party(s) : Durga Singh, G.A., Shivangi Bhargava

Court No. - 49

HON'BLE AJAY BHANOT, J.

Matter is taken up in the revised call. None appears on behalf of the applicant to press the bail application. Name of counsel for the applicant is shown in the cause list. Shri Durga Singh, learned counsel for the informant is present.

The applicant is in jail since 14.09.2024.

The applicant cannot go unrepresented. If the bail is listed before the Court it has to be heard on its merits.

The applicant is in jail and like many other litigants are not in a position to oversee the diligent prosecution of their case or check the professional negligence on part of the counsel. The applicant comes under the category of "circumstances of underserved want" in terms of Section 12(e) of the Legal Services Authorities Act, 1987. The applicant cannot be left to his own devices and is entitled to legal aid. The matter cannot be dismissed for non-prosecution in view of the judgement rendered by this Court in **Maneesh Pathak vs. State of U.P. in Criminal Misc. Bail Application No. 18536 of 2020.**

District Legal Services Authority, Prayagraj shall inform the applicant about the status of his bail application and further intimate him that in case any counsel does not appear on the next date of listing, this Court may appoint an amicus curiae and proceed with the hearing of the case in light of the holding in **Maneesh Pathak (supra)**.

In the meantime learned trial judge shall send a report regarding the status of the trial and cause for the delay in concluding the trial in Case Crime No. 205 of 2024 at Police Station- Manda, District- Prayagraj, under Section 376(2), 506 I.P.C. and Section 5/6 POCSO Act, and also the following details in tabulated form:-

- (1) Dates on which chargesheet was filed and the charge was framed.
- (2) Number of prosecution witnesses in the chargesheet.
- (3) Number and particulars (i.e. name, nature of witness like eye witness and expert witness etc.) of prosecution witnesses proposed to be examined as per the charge sheet.
- (4) List of proposed prosecution witnesses/calendar submitted before the trial court for examination during the trial.
- (5) Names and number of prosecution witnesses who have been examined before the trial court with dates.
- (6) Names and number of witnesses who have been summoned but have not attended the trial proceedings on the appointed dates with dates.
- (7) Names and number of witnesses against whom coercive measures have been taken out with dates.

List in the last week of March, 2026.

A copy of this order be communicated to the learned trial judge through the learned District Judge, Prayagraj by the Registrar (Compliance) by email.

(Ajay Bhanot,J.)

February 24, 2026

Vandit