



HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5069 of 2026

Kunal

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashutosh Kumar Mishra, Shireesh Kumar Mishra

Counsel for Opposite Party(s) : G.A.

Court No. - 70

HON'BLE SANTOSH RAI, J.

1. Sri Ashutosh Kumar Mishra, learned counsel for the applicant and Sri Purushottam Maurya, learned AGA for the State-respondent are present.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and the statement of injured has not been recorded by the I.O.
3. Learned AGA admits the fact that though the FIR has been registered on 19.1.2026 but the statement of injured Yash Jain has not been recorded by the I.O. during the course of investigation.
4. As per the allegation contained in the FIR, the injured has sustained firearm injury on his chest.
5. Considering all the facts and circumstances, learned AGA is directed to file counter affidavit alongwith complete medical evidence/injury report and statement of injured as well as doctor within three weeks.
6. Rejoinder affidavit, if any, may be filed within one week.
7. Put up as fresh on 10.3.2026.
8. Soon after the dictation of the order mentioned above, learned counsel for the applicant, Sri Ashutosh Kumar Mishra (contemnor), started raising his voice in open Court and stated,

“Why are you calling for a counter affidavit in this case? You do not have the courage to seek explanation from the concerned Investigating Officer who, till date, has not recorded the statement of the injured. You (Judge) have no authority to pass any order against the Investigating Officer. It appears that you are working under the pressure of the Government.” The words used by Sri Mishra, his tone, body language and the manner in which the statements were made were highly objectionable, scandalous and derogatory, and tended to lower the authority and dignity of the Court in the eyes of those present in Court.

9. The conduct of Sri Mishra clearly indicates an intention to interfere with and obstruct the due course of judicial proceedings. Such behaviour, *prima facie*, falls within the ambit of ‘criminal contempt’ as defined under Section 2(c) of the Contempt of Courts Act, 1971, as it amounts to scandalising the Court and interfering with the administration of justice. During the course of hearing of the aforesaid bail matter, Sri Mishra made scandalous remarks challenging the authority of the Court and disrupted the proceedings, as a result of which the Court proceedings remained stalled for about ten minutes on account of his misconduct and contemptuous behaviour.

10. By using scandalous and intemperate language and by shouting in open Court in a loud and aggressive manner, Sri Ashutosh Kumar Mishra has *prima facie* committed acts which tend to lower the dignity of the Court and interfere with the administration of justice. In view of the aforesaid circumstances, this Court is of the considered opinion that the matter requires consideration for initiation of contempt proceedings against Sri Ashutosh Kumar Mishra. However, it is deemed appropriate to place the issue before Hon’ble the Chief Justice for taking suitable action, in accordance with law.

11. Accordingly, let a separate reference be made for initiation of contempt proceedings against Sri Ashutosh Kumar Mishra under the provisions of the Contempt of Courts Act, 1971, and the relevant Rules of the Court. The Registry is directed to place the matter before Hon’ble the Chief Justice for appropriate orders in

this regard.

12. The case is released.

13. Office is directed to put up this matter, as fresh, at the earliest, before another Bench after obtaining appropriate orders from Hon'ble the Chief Justice.

February 12, 2026

RA

(Santosh Rai,J.)