



2026:AHC:160779

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 26706 of 2026

Umashankar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Jay Singh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Atal Bihari, learned Advocate holding brief of Sri Jay Singh Yadav, learned counsel for the applicant and Sri Imran Khan, learned AGA, for the State.

2. The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail in Case Crime No.60 of 2026, S.T.No.733 of 2025, under Sections 103(1), 109,332,351(3) BNS and Section 4/25 Arms Act (old Sections 302,307, 449, and 506 IPC and Section 4/25 Arms Act), Police Station Sungadi, District Pilibhit during pendency of the trial.

4. Learned counsel for the applicant submits that as per allegation applicant was ex-husband of the deceased and he on the date of incident along with his associates inflicted knife injuries to her due to which she died and in the incident even informant the husband of the deceased and one another also sustained injuries but entire allegations levelled against the applicant are totally false.

5. He further argued that as deceased was resided along with the informant after leaving the applicant, therefore, there was absolutely no occasion for applicant to commit her murder and it reflects that informant himself inflicted knife injuries to her and thereafter he implicated the applicant in the present matter.

6. He further argued that however, one Priyanshu, injured of the case, also stated against the applicant but as informant had already named the

applicant in the FIR, therefore, he in his statement also reiterated the version of the FIR.

7. He further submits that even co-accused Lakhan has been released on bail by this Court vide order dated 16.7.2026 passed in Criminal Misc.Bail Application No. 23202 of 2026 and however, he was not named in the FIR but from the statements of injured Priyanshu and informant it reflects that they also stated that he also caused injuries to the deceased.

8. He further submits that applicant is not having any previous criminal history and in the present matter he is in jail since 23.2.2025, i.e., for almost one and half years.

9. Per contra, learned AGA opposed the prayer for bail and submits that applicant is principal accused, who was even named in the FIR and allegations against him are quite serious.

10. He further submits that however, co-accused Lakhan has been released on bail by this Court but he was not named in the FIR and even his complicity was revealed by the informant, therefore, case of applicant is distinguishable from him.

11. He further submits that however, applicant is in jail for almost one and half years but he committed murder of his ex-wife and he is facing trial of murder in which minimum punishment is life imprisonment. Therefore, considering the facts and circumstances of the case applicant may not be released on bail.

12. I have heard learned counsel for the parties and perused the record of the case.

13. Applicant is named in the FIR and as per allegation his wife after performing second marriage with the informant started living with him and, therefore, he was highly annoyed and on the date of incident he entered in the house of the deceased along with others and inflicted knife injuries to her and even in the incident, informant, husband of the deceased and one Priyanshu also sustained injuries.

14. It further reflects that due to injuries sustained by ex-wife of the applicant, she died and, therefore, in the present case one person died and

two persons sustained injuries and therefore, allegations levelled against the applicant are very serious.

15. Further, however, co-accused Lakhan has been released on bail by this Court, who was allegedly associate of the applicant but he was not named in the FIR and in spite of that his name was disclosed by the informant and, therefore, he was enlarged on bail, therefore, case of applicant is distinguishable from him.

16. Further, even post mortem report of the deceased and statements of the injured persons corroborate the prosecution case.

17. Further, however, in the present matter, applicant is in jail since February, 2025, i.e., for almost one and half years but allegations against the applicant are very serious and he is accused in heinous offence of murder in which minimum punishment is life imprisonment and he appears to be prime accused, therefore, in view of this Court, merely on this ground it is not proper to release him on bail.

18. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

19. Accordingly, the instant bail application is **rejected**.

20. 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.

(Sameer Jain,J.)

August 3, 2026

SKM