



2026:AHC-LKO:42033

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4603 of 2026

Raj Kishore

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Amit Kumar Awasthi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 12

HON'BLE SHREE PRAKASH SINGH, J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 501 of 2025, under section 108 of B.N.S.(306 of I.P.C.), Police Station-Khamaria, District -Lakhimpur Kheri.

The story of the prosecution in brief is that the deceased has administered the poison because of denial of his wife to come to the matrimonial house.

Contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. He next added that the applicant is brother-in-law of the deceased and he was never involved in committing any offence. He submits that there was some dispute with matrimonial relation in between the deceased and his wife and once the deceased went to the house of the wife, she declined to go with the deceased and once, it was repeatedly done, the deceased took the weedicides and died thereafter. He submitted that the ingredient of the offence under section 108 of the B.N.S. is highly missing in the present matter as there is no proximity of any act of the applicant with respect to the offence committed. He argued that the applicant had no mens-rea so as to commit any offence, but, the Investigating Officer without properly investigating into the matter and without collecting the evidence in the same, has filed the chargesheet against the applicant including the other co-accused persons. He submitted that the great injustice is

caused because of the investigation done in a cursory manner and the applicant has been thrown to suffer and his personal liberty has been tremendously curtailed. He submitted that the applicant is in jail since 14-05-2026 and he has no previous criminal history as is explained in paragraph no. 35 of the bail application. In addition, he submits that the applicant undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings. Thus, submission is that the applicant may be enlarged on bail.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that allegations against the applicant are serious in nature and after thorough investigation, the chargesheet has been filed in the matter and as such, the applicant is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that the applicant is brother-in-law of the deceased. The wife of the deceased declined to go with the deceased to the matrimonial house. Prima-facie, there seems to be no ingredient attracts regarding the offence under section 108 of the B.N.S., which has been charged in the present case. The applicant is languishing in jail since 14-05-2026 and there is no previous criminal antecedent of the applicant as has been explained in paragraph 35 of the bail application. The applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant-**Raj Kishore**, 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:-

(1) The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, or otherwise during the investigation or trial;

(2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code;

(3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and

(4) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison. It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

(Shree Prakash Singh,J.)

June 25, 2026

AKS