



2026:AHC-LKO:42064

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 4608 of 2026

Ramsagar

.....Applicant(s)

Versus

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

.....Opposite
Party(s)

Counsel for Applicant(s)	: Alok Kumar, Punit Kumar Yadav
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. 123 of 2026, under section 80(2), 85 of the B.N.S.(old section 304-B, 498-A of I.P.C.) and Section 3/4 of the Prohibition Act, Police Station-Sandi, District -Hardoi.

Submission 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 submits that the applicant is the father-in-law having 65 years of age of the deceased. He submitted that though the applicant is named in the first information report, but, in the dying declaration report, there is no role assigned to him. He added that the main role is assigned to Jethani and even there is no role assigned to the mother-in-law. He submitted that the applicant is an old aged person and was never involved in committing any offence and there is no substantial evidence against him for committing offence. He submitted that the Investigating Officer without collecting the cogent evidence against the applicant, has filed the chargesheet against him including the other co-accused persons. He added that that the applicant is languishing in jail since 19-04-2026 and he 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 65 years of age and he is father-in-law. There is no anti mortem injury on the body of the deceased as is evident from the post-mortem report.

This court has further noticed that in the dying declaration report, no role has been attributed to the present applicant, who is the father-in-law. The main role is assigned to the Jethani.

It is a peculiar case, where no role has been assigned to anyone except apart the Jethani as no chargesheet has been filed even against the husband.

I have also noticed that the applicant is an old aged person and is languishing in jail since 19-04-2026 and he 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-**Ram Sagar**, 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