



2026:AHC:174712

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29160 of 2026

Umesh Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Mohd. Aslam
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Supplementary affidavit filed by the applicant is taken on record.
2. Heard Sri Mohd. Aslam, learned counsel for the applicant and Sri Kunwar Tejandra Bahadur, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 92 of 2025, under Sections 80(2), 85, 92 BNS and Section 3/4 D.P. Act, Police Station Chilkana, District Saharanpur during pendency of the trial.
4. Learned counsel for the applicant submits, however, this is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed by this Court vide order dated 21.01.2026 after considering the fact that applicant is husband of the deceased and his wife has been murdered in her matrimonial home and applicant failed to explain the homicidal death of his wife but in the present matter applicant is in jail since May, 2025 i.e. for last more than a year.
5. He further submits, even almost all the witnesses of fact have been examined by the trial court and from their statements it reflect, applicant is innocent.
6. He further submits, therefore, considering the facts of the case applicant may be enlarged on bail.
7. Per contra, learned AGA opposed the prayer for bail and submit, this is second bail application filed on behalf of applicant and first bail application

of the applicant has been dismissed by this Court on merit and after dismissal of first bail application of the applicant within six months he filed the instant second bail application without any new ground. Therefore, the instant second bail application may be dismissed.

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

9. This is second bail application filed on behalf of applicant and first bail application of the applicant has been dismissed after considering the fact that applicant is husband of the deceased and his wife died due to strangulation and applicant failed to explain the homicidal death of his wife. The instant second bail application has been filed on following two grounds:-

(a) Applicant is in jail for last more than a year and;

(b) Almost all the witnesses of fact have been examined by the trial court and from their statements, which have been annexed in the instant bail application, prima facie applicant appears to be innocent.

10. As far as first ground is concerned, applicant is husband of the deceased and allegations against him are quite serious and considering the fact that his wife has been murdered in her matrimonial home, in view of this Court, it is not proper to release the applicant on bail merely on the ground (a).

11. Further, as far as second ground is concerned, the law is settled that at the stage of bail this Court cannot appreciate the evidence of the witnesses recorded by the trial court.

12. Further, even from the record it reflects, admittedly the witnesses of fact were not the eye witnesses, therefore, even if from their statements applicant appear to be innocent then also it hardly matters. It was the duty of the applicant to explain the homicidal death of his wife who has been murdered in his home but he failed to do so.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant, who is husband of the deceased, is not entitled to be released on bail.

14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

15. 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.

August 19, 2026
AK Pandey

(Sameer Jain,J.)