



2026:AHC:174784

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29186 of 2026

Shyam Jayant

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Chandra Shekhar Kushwaha
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Chandra Shekhar Kushwaha, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 47 of 2026, under Sections 85, 80(2), 103(1), 3(5), 115(2) BNS and under section 3/4 Dowry Prohibition Act, Police Station Mandi, District Saharanpur, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that applicant is devar of the deceased and FIR of the present case was lodged under the provisions of dowry death but during investigation offence under section 103(1) BNS has been added.
4. He further submitted that there is no cogent evidence that applicant either committed the murder of the deceased or caused her dowry death.
5. He further submitted that from the post mortem report of the deceased it reflects, her cause of death could not be ascertained and her viscera was preserved and there is no evidence that applicant administered poisonous substance to the deceased.
6. He further submitted that even being devar of the deceased applicant was not having any concern with the family affairs of the deceased but as he was younger brother of her husband therefore he has been made accused in the present matter alongwith others including husband of the deceased.
7. He further submitted that applicant is having no previous criminal history

and he is in jail in the present matter since 28.4.2026.

8. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

10. It reflects, applicant is devar of the deceased and as per allegation, he alongwith husband of the deceased and other family members caused her death for dowry but it further reflects, only general allegation has been made against the applicant.

11. Further, however during investigation offence under section 103(1) BNS has been added but there is no cogent evidence that applicant committed the murder of the deceased.

12. From the record it also reflects, cause of death of the deceased during post mortem could not be ascertained and her viscera was preserved and there is no evidence that applicant administered poison to the deceased.

13. Further, applicant is having no previous criminal history and he is in jail in the present matter since 28.4.2026.

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

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

16. Let the applicant-**Shyam Jayant**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

17. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

18. 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
Ankita

(Sameer Jain,J.)