



2026:AHC:175215

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 29203 of 2026

Sunita Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Akshansh, learned counsel for the applicant and Sri Vijay Kumar, learned AGA-I for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 70 of 2026, under Sections 103(1), 3(5) BNS, Police Station Kaptanganj, District Kushinagar, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that however as per allegation made in the FIR applicant alongwith four others who were her family members made assault through lathi and bricks due to which husband of the informant sustained injuries and died but entire allegations levelled against the applicant are totally false. He further submitted that even admittedly informant of the case was not the eye witness.
4. He further submitted that during investigation Investigating Officer recorded the statement of Mahesh Nishad who was brother of the deceased and according to him he was going on motorcyle alongwith the deceased at the time of incident and he also disclosed the name of the applicant and other accused but he also assigned only general role to all the accused.
5. He further submitted that post mortem report suggests that however deceased sustained four injuries but injury nos. 2 and 3 were minor abrasions and he sustained only one lacerated wound and therefore, it reflects that applicant who is lady has been falsely made accused in the present mater alongwith her other family members.

6. He further submitted that there is absolutely no occasion for the applicant to participate in the alleged incident.

7. He further submitted that applicant is having no previous criminal history and she is lady and she is in jail in the present matter since 1.4.2026.

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. However, as per allegation applicant alongwith four others who were her family members made assault through wooden sticks and bricks due to which deceased sustained injuries but only general role has been assigned to all the accused.

11. Further, considering the post mortem report of the deceased, argument advanced by learned counsel for the applicant that applicant is lady and as she is relative of other accused, therefore, she also has been made accused in the present matter cannot be ruled out, at this stage.

12. Further, applicant is lady and she is having no other previous criminal history and she is in jail in the present matter since 1.4.2026.

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

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

15. Let the applicant-**Sunita Devi**, 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 her 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 her 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.

16. 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.

17. 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.)