



2026:AHC:164377

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35 of 2026

Amit Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Rajeev Kumar Saxena
Counsel for Opposite Party(s)	:	G.A., Virendra Kumar Yadav

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri Virendra Kumar Yadav, learned counsel for the informant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State and perused the record.
2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 80 of 2025, under Sections 137(2), 105, 127(4), 238(B) B.N.S., Police Station- Ayana, District- Auraiya during pendency of the trial.
3. Learned counsel for the applicant contends that the applicant has been falsely implicated in the present case. The informant had earlier lodged a first information report against the applicant on 30.06.2024, registered as Case Crime No. 0302 of 2024, under Sections 363, 366, 504, 506, 352 I.P.C., P.S. Ajeetmal, District Auraiya. In the said case the victim, who is the daughter of the informant, in her statement recorded under Section 164 Cr.P.C. stated that she had voluntarily left her parental home in anger and gone to Faridabad, her parents had lodged a false case. On the basis of aforesaid statement, final report in favour of the applicant was submitted by the Police. It is next contended that the applicant had subsequently married the victim. During her pregnancy she developed medical complications, and was admitted at Etawah on 08.07.2025. Despite medical treatment she succumbed on 19.07.2025. As per the post-mortem report, no external injury was seen on the body of the deceased. The cause of death is septicemia due to septic shock. It is contended that the independent witnesses, namely Balduram Pal, Shankar Dayal, Hetram Nishad and Bharat Singh in their statements recorded under Section 180

BNSS had also stated that the victim was carrying pregnancy. She died due to septicemia. Her family members never cared for her. However, after the death, they at the behest of others, stated making false, concocted and baseless allegations against the applicant. It is next contended that at this stage there is no corroborative evidence to link the applicant with the offence. The applicant is in jail since 23.07.2025 having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record this Court prima facie finds that as per the post-mortem report of the deceased no external injury was seen on the body of the deceased, at the time of examination. The cause of death is septicemia due to septic shock. The independent witnesses, namely Balduram Pal, Shankar Dayal, Hetram Nishad and Bharat Singh in their statements recorded under Section 180 BNSS had stated the victim was carrying pregnancy. She died due to septicemia. Her family members never cared for her. However, after the death, they at the behest of others, stated making false, concocted and baseless allegations against the applicant. Further, the applicant has no criminal antecedents. The applicant has presently remained confined for more than a year and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, **Amit Kumar** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

August 5, 2026

Abhishek

(Vivek Varma, J.)