



2026:AHC:166944

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 4381 of 2026

Anoop Kumar Patel

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Chandra Kumar Singh, advocate holding brief of Sri Jitendra Kumar, learned counsel for the applicant and Sri Rajiv Dhar Dwivedi, learned AGA, for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No.533 of 2025, under Section 103(1) BNS, Police Station Khoda, District Ghaziabad, during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged on 16.12.2025 at 12:45 hours against the applicant and according to the FIR applicant was second husband of the informant and he committed murder of her infant child but entire allegation levelled against the applicant is totally false.
4. He next submits, before the lodging the FIR on 14.12.2025 an information of death of the deceased has been given by the informant herself to the police that some unknown person has strangled her daughter and at her information on 14.12.2025 at 17:05 hours inquest was conducted but after two days on 16.12.2025 she lodged FIR of the present case on the basis of false allegation and the inquest report has been annexed at page-17 of the affidavit.
5. He further argued, from the statement of mother of the informant it reflects, applicant in from of her gave a blow of fist to the deceased who

was hardly one and half year old due to which she died but in the light of the earlier information given by mother of the deceased her statement prima facie appears to be doubtful.

6. He further argued, postmortem report suggests, deceased sustained one lacerated wound on her head and she died due to head injury and it reflects, when informant went for urination then accidentally deceased who was hardly one and half year old fell and sustained injuries and died and as applicant is her step-father therefore subsequently as afterthought FIR of the present case was lodged.

7. He further argued, applicant is not having any criminal history and in the present matter he is in jail since 17.12.2025 i.e. for last more than seven months.

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

9. I have heard both the parties and perused the record of the case.

10. However, applicant is second husband of the informant and FIR was lodged by his wife and according to the FIR he committed murder of her daughter who was aged about one and half year but in the light of the inquest dated 14.12.2025 prima facie story of FIR appears to be doubtful.

11. Further, however as per mother of the informant, in front of her applicant gave a blow of fist to the deceased due to which she sustained injuries and died but in the light of inquest dated 14.12.2025 which was conducted two days before the FIR, the statement of this witness also prima facie appears to be doubtful.

12. Further, from the postmortem report it reflects, deceased sustained one lacerated wound on her head and as per autopsy surgeon she died due to this injury. Considering the seat and nature of injury and the fact that deceased was aged about one and half year the argument advanced by learned counsel for the applicant that actually it reflects, deceased fell from the bed and sustained injuries and died cannot be ruled out at this

stage.

13. Further, applicant is not having any criminal history and in the present matter he is in jail since 17.12.2025 i.e. for last more than seven months.

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 - **Anoop Kumar Patel** 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.

(Sameer Jain,J.)

August 5, 2026

Shahroz