



2026:AHC:18422

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15841 of 2025

Pintu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Dinesh Kumar Pandey, Manu Sharma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Manu Sharma and Sri Dinesh Kumar Pandey, learned counsel for the applicant and Sri Rajeev 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. 174 of 2024, under Sections 103(1), 238(B) BNS, Police Station Parsamalik, District Maharajganj during pendency of the trial.
3. Learned counsel for the applicant submits, however, this is second bail application filed on behalf of applicant but in the present matter applicant is in jail since 14.08.2024 i.e. for last more than a year and it is a case of circumstantial evidence.
4. They further submits, however, applicant is husband of the deceased but there is no cogent evidence which can suggests that applicant committed the murder of the deceased.
5. They further submits, till date out of 15 witnesses only three witnesses could be examined, therefore, there is no hope of early disposal of trial.
6. They further submits, applicant is not having any criminal history.
7. Per contra, learned AGA opposed the prayer for bail and submits, this is second bail application filed on behalf of applicant and first bail application of the applicant was dismissed after considering the fact that applicant is husband of the deceased but could not dispute the fact that it is a case of circumstantial evidence and in the present matter applicant is in jail for last more than a year and till date out of 15 witnesses only three could be

examined. Learned AGA further could not dispute the fact that there is no evidence which can suggest that applicant is delaying the trial.

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

9. However, this is second bail application filed on behalf of applicant and first bail application of the applicant was dismissed by this Court vide order dated 21.01.2025 after considering the fact that applicant is husband of the deceased and there is evidence of last seen against him given by the informant but it reflects, it is a case of circumstantial evidence and applicant is in jail since November, 2024 i.e. for last more than a year and from the report of the court concerned it appears, out of 15 witnesses till date only three witnesses could be examined, therefore, there is no hope of early disposal of trial. Further, report of the court concerned did not suggest that applicant is adopting the delaying tactics.

10. Further, however, as per allegation, made in the FIR applicant has taken his wife i.e. deceased from her paternal home and thereafter her dead body was found but from the statement of informant recorded before the trial court it reflects, as per scheduled programme deceased should have return back to her home but it appears, in spite of the fact that deceased did not return back informant did not lodge any report/missing report and he lodged FIR of the present case after four days.

11. Further, applicant is not having any criminal history.

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

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

14. Let the applicant - **Pintu** 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.

15. 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.

16. 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.

January 27, 2026
AK Pandey

(Sameer Jain,J.)