



2026:AHC:12214

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 5882 of 2025

Ajay Kumar @ Jai Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Abhilasha Singh, Ashutosh Yadav
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Ms. Abhilasha Singh, learned counsel for the applicant, Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. Applicant seeks bail in Case Crime No.326 of 2023, under Sections 498-A, 304-B, 302/34 I.P.C. and 3/4 D.P. Act, Police Station Jaithra, District Etah, during the pendency of trial.
4. Learned counsel for the applicant has stated that the applicant is absolutely innocent and has been falsely implicated in the present case. The informant has been examined as PW-1 and he has not supported the prosecution story during cross-examination on 03.12.2025 in court. There is no likelihood of conviction of the applicant in the instant case. The injuries are stated to have been sustained in a road accident. The cause of death is asphyxia as a result of ante-mortem hanging.
5. Learned counsel for the applicant has further stated that the applicant is the husband, but only one witness has been examined to date. His fundamental rights enshrined under Article 21 of the Constitution of India stand violated as he is in jail since 13.10.2023. There is no criminal history of the applicant. He is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Learned A.G.A. has vehemently opposed the bail application but could not dispute the submissions made by the counsel for the applicant.

7. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the fact that only one witness has been examined to date and the said witness/PW-1 has not supported the prosecution story during trial, and without expressing any opinion on the merits of the case, the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

8. Let the applicant- **Ajay Kumar @ Jai Kumar**, who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

- (i) The applicant shall not tamper with evidence during trial.
- (ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

(Krishan Pahal,J.)

January 19, 2026
(Ravi Kant)