



2026:AHC:9939

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 32036 of 2025

Gulsher

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed today is taken on record.
2. Heard Sri Neeraj Kumar Chaurasiya, learned counsel for applicant, Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.45 of 2024, under Section 302 IPC, Police Station Budhana, District Muzaffarnagar with the prayer to enlarge him on bail.
4. As per the prosecution story, the applicant was against the informant giving birth to any child, and she had given birth to a baby girl, who was about 3 months old at the time of incident. The applicant is stated to have throttled her on the date of the incident, i.e., 26.01.2024.
5. Learned counsel for the applicant has stated that the witness Sajida, who happens to be the wife of the applicant, has not supported the prosecution story and has been cross-examined by the public prosecutor after declaring her hostile. There is no likelihood of conviction of the applicant in the present case. There is no criminal history of the applicant. The applicant is languishing in jail since 26.01.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.
6. Per contra, learned State Law Officer has vehemently opposed the bail

application on the ground that the applicant has committed the murder of his 3-month-old daughter and it is an open and shut case. The onus lies on the applicant to explain the circumstances of the death of his 3-month-old daughter, as such, he is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that the applicant has committed murder of his 3-months-old daughter, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously as early as possible in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

9. 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.

(Krishan Pahal,J.)

January 14, 2026
(Ravi Kant)