



2026:AHC:14367

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 3837 of 2025

Shilpa

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Nirmal Kumar Panday, Parbind Kumar
Tiwari

Counsel for Opposite Party(s) : G.A., Gaurav Kumar Shukla

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Parbind Kumar Tiwari, learned counsel for applicant, Sri Gaurav Kumar Shukla, learned counsel for the informant and Sri Sunil Kumar, learned A.G.A. 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. 215 of 2024, under Sections 103(2), 238, 326(g), 3(5), 61(2) BNS, Police Station Kaptanganj, District Basti, with the prayer to enlarge her on bail.

4. The father of the informant had expired, as such, he had executed a will deed in favour of wife and younger daughter Saumya. The suit for transferring the property of the father of the informant of the deceased was going on, as such, in the night of 3/4.12.2024, the applicant and other co-accused persons committed the murder of the mother, daughter duo and set them afire with an intention to destroy the evidence.

5. Learned counsel for the applicant has stated that the FIR is delayed, as it was instituted in the night of 4.12.2024. The applicant has nothing to do with the said offence. She is a lady and had no stake in the said transfer of property. The property, if any, would have been transferred to the other members of the family. She has simply been made an accused on account of

her relationship with the co-accused persons. All the family members have been implicated at a go. The applicant is in jail since 7.12.2024 and is ready to cooperate with trial. In case, the applicant is released on bail, she will not misuse the liberty of bail.

6. Per contra, learned A.G.A. and learned counsel for the informant have vehemently opposed the bail application on the ground that it is an open and shut case, as the mother daughter duo have been put to death by the applicant and other co-accused persons in the night and none of the family members cared to institute the FIR of the incident, as such, the applicant is not entitled for bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that the mother daughter duo have been put to death by the applicant and other co-accused persons, 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 20, 2026

Shalini