



2026:AHC:15805

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 12657 of 2025

Ram Babu Patel

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Kameshwar Singh, Sudhanshu Kumar Singh
Counsel for Opposite Party(s) : Dharendra Kumar Srivastava

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Rejoinder affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Kameshwar Singh, learned counsel for the applicant, Sri Dharendra Kumar Srivastava, learned counsel for the informant as well as Sri J.K. Chaurasia, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 189 of 2024, under Sections 85, 351(4), 140(1), 103(1) BNS, Police Station Baberu, District Banda, during the pendency of trial.
4. As per prosecution story, the applicant is the husband of the deceased person. Both were estranged, as such, the applicant had filed a divorce petition before the Family Court, Banda. The deceased had gone to appear for the said case on 17.10.2024 and had reached her sister's house located at Banda only at 2.00 pm and thereafter she is stated to have left for her house.
5. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case.
6. Learned counsel for the applicant has further argued that there is no eye-witness to the incident. It is further stated that talking to his wife, although were estranged, is but natural for the applicant. The said call details cannot imply that the applicant has committed the said offence of murder of his

wife.

7. Learned counsel has further stated that there is a criminal history of one case assigned to the applicant, which stands explained. The applicant is languishing in jail since 19.10.2024, as such, the period of incarceration is more than a year and only one witness has been examined to date. The trial is moving at a snail's pace, as such, the applicant is entitled for bail. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned State Law Officer and learned counsel for the informant have vehemently opposed the bail application on the ground that there is a recovery of nail cutter and a knife at the pointing out of the applicant and blood stains were found on the clothes he was wearing, which were sent for forensic analysis.

9. Learned counsel for the informant has further stated that the CDR of the mobile of the deceased reveals that the applicant had called her on 17.10.2024 at 13:59 hours and the said call was of a duration of 27 seconds. Subsequently, at 14.03 hours, the applicant again called her and conversation went on for 49 seconds, which indicates that the applicant was keeping a track on the movement of the deceased and grabbed her on way. After abducting her, he committed her murder and left her dead body near the village, as such, the applicant is not entitled for bail.

10. In the case of ***Prabhakar Tewari Vs. State of U.P. and another, (2020) 11 SCC 648***, the Supreme Court has observed that pendency of several criminal cases against an accused by itself cannot be a basis for refusal of bail.

11. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the delay of about one day in lodging of FIR, coupled by the fact that there is no report to establish that the blood stains on the body of the applicant were that of the deceased and it has also come up that there is no eye-witness to the offence of abduction as well as of murder and without expressing any opinion on the merits of the case, *prima-facie* the Court is of the view that the applicant has made out a case for bail. The bail application is **allowed**.

12. Let the applicant- **Ram Babu Patel**, 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.

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

14. 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 21, 2026

Shalini