



2026:AHC:14583

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 1734 of 2026

Asha Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Santosh Kumar Tiwari
Counsel for Opposite Party(s)	:	G.A., Kali Shanker Tiwari

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Santosh Kumar Tiwari, learned counsel for the applicant, Sri Kali Shanker Tiwari, learned counsel for the informant as well as 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.416 of 2025, under Sections 190, 191(2), 191(3), 103(1), 351(3), 352, 333, 115(2), 3(5) B.N.S., Police Station- Paniyara, District- Maharajganj, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. She has nothing to do with the said offence. There are general and omnibus allegations against seven accused persons including the applicant.
5. Learned counsel for the applicant has further stated that the role of causing the fatal injury to the deceased person has been assigned to co-accused person Upendra Kumar. The deceased person sustained only one injury, which proved fatal to him. As such, the case of applicant is at different footing to co-accused person Upendra Kumar.
6. It is further argued by learned counsel for the applicant that there is no criminal antecedent of the applicant. The applicant is languishing in jail since 31.11.2025 and she is ready to cooperate with trial. In case, the

applicant is released on bail, she will not misuse the liberty of bail.

7. Learned counsel for the informant and learned A.G.A. has vehemently opposed the bail application.

8. The well-known principle of "*Presumption of Innocence Unless Proven Guilty*" gives rise to the concept of bail as a rule and imprisonment as an exception.

9. A person's right to life and liberty, guaranteed by Article 21 of the Indian Constitution, cannot be taken away simply because the person is accused of committing an offence until the guilt is established beyond a reasonable doubt. Article 21 of the Indian Constitution states that no one's life or personal liberty may be taken away unless the procedure established by law is followed, and the procedure must be just and reasonable. The said principle has been reiterated by the Supreme Court in ***Satender Kumar Antil Vs. Central Bureau of Investigation and another*, (2022) 10 SCC 51**.

10. Reiterating the aforesaid view, the Supreme Court in the case of ***Manish Sisodia Vs. Directorate of Enforcement*, 2024 INSC 595**, has again emphasized that the very well-settled principle of law that bail is not to be withheld as a punishment is not to be forgotten. It is high time that the Courts should recognize the principle that "*bail is a rule and jail is an exception*".

11. Learned A.G.A. could not bring forth any exceptional circumstances which would warrant denial of bail to the applicant.

12. 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 there are general and omnibus allegations against all the accused persons including the applicant coupled by the fact that the role of causing fatal injury to the deceased has been assigned to other accused person, 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**.

13. Let the applicant- **Asha Devi**, who is involved in aforementioned case crime be released on bail on her 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 pressurize/intimidate the prosecution witnesses.
- (iii) The applicant shall appear before the trial court on the date fixed.

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

15. 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
Vikas Verma