



2026:AHC:53958

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 8953 of 2026

Bhudev

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Kirti Raj Yadav, learned Advocate, holding brief of Sri Pradeep Kumar, learned counsel for the applicant and Dr. S.B.Maurya, learned AGA-I, for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 203 of 2025, under Sections 80(2) and 85 BNS and Section 3/4 Dowry Prohibition Act, Police Station Bilsa, District Budaun during pendency of the trial.

3. Learned counsel for the applicant submits that however, applicant is husband of the deceased but on the basis of false allegation he has been made accused in the present matter.

4. He further argued that however, deceased died due to throttling and prima facie it appears to be a case of homicidal death but during trial parents of the deceased did not support the prosecution case and they have been declared hostile and their statements have been annexed along with the instant bail application.

5. He further submits that from the statements of the parents of the deceased recorded before the trial court it reflects that when deceased went to ease herself then the incident occurred and, therefore, it reflects that deceased was murdered outside her matrimonial home and, therefore, applicant cannot be held responsible for her murder.

6. He further argued that even father-in-law of the deceased, Mukesh, has been released on bail by Coordinate Bench of this Court and his bail

order has been annexed at page 56 of the paper book.

7. He further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 9.6.2025, i.e., for the last more than nine months.

8. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife died due to throttling within a year of her marriage and there was also allegation of torture in connection to demand of dowry, therefore, prima facie provisions of Dowry Death attracts and it also reflects that deceased has been murdered.

9. Learned AGA further argued that however, parents of the deceased during trial did not support the prosecution case but this fact does not dilute the case of prosecution and being husband it is the duty of the applicant to explain how his wife has been murdered within a year of her marriage.

10. He next submits that however, applicant on the basis of statements of the parents of the deceased recorded during trial tried to demonstrate that deceased died outside of her matrimonial home but except the statements of these witnesses there is no such evidence on record which can suggest that deceased was murdered outside the home of the applicant and as prima facie it appears that parents of the deceased have been won over by the applicant therefore, no reliance can be placed on their statements.

11. He further argued that however, father-in-law of the deceased has been released on bail by Coordinate Bench of this Court but applicant is husband of the deceased and, therefore, his case is distinguishable from the case of father-in-law of the deceased.

12. He further argued that therefore, the instant bail application should be dismissed.

13. I have heard learned counsel for the parties and perused the record of the case.

14. Applicant is husband of the deceased and his wife died due to throttling within a year of her marriage and therefore, prima facie it appears to be a case of homicidal death and even there was also allegation of torture in connection to demand of dowry.

15. Further, however, during trial parents of the deceased did not support the prosecution case and they have been declared hostile but this Court finds merit in the argument advanced by the learned AGA that prima facie it appears to be a case of homicidal death, therefore, on this ground no benefit can be extended to the applicant considering the fact that he is husband of the deceased.

16. Further, however, with the help of the statements of the parents of the deceased recorded before the trial court, learned counsel for the applicant tried to convince the Court by arguing that deceased while went to ease herself her murder has been committed but it appears that except the statements of the parents of the deceased, there is no such evidence on record which can suggest that deceased was murdered outside of her matrimonial home. Further, prima facie it appears, parents of the deceased during trial are favoring the applicant and possibility cannot be ruled out that they have been won over by the applicant.

17. Further, however, father-in-law of the deceased has been enlarged on bail by Coordinate Bench of this Court but applicant is the husband of the deceased and, therefore, he cannot claim parity from the bail granting order of father-in-law of the deceased. Further, even from the bail granting order dated 22.1.2026 of co-accused Mukesh, i.e., father-in-law of the deceased, it reflects that he was enlarged on bail by Coordinate Bench of this Court merely on the ground that parents of the deceased did not support the prosecution case and from this order it could not be reflected that the Court also noticed that it is a case in which wife died due to throttling and prima facie it appears to be a case of homicide death and, therefore, it reflects that by concealing the material facts bail order of father-in-law of the deceased has been obtained.

18. Therefore, considering the facts and circumstances of the case discussed above, I am not inclined to release the applicant on bail.

19. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

(Sameer Jain,J.)

March 17, 2026

SKM