



2026:AHC:10619

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 28869 of 2025

Suman

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	: Atharva Dixit, Mayank Chandra, Shakti Dubey, Surya Pratap Singh, Vinay Kumar Tripathi
Counsel for Opposite Party(s)	: G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Manish Tiwari, learned Senior Counsel assisted by Sri Surya Pratap Singh, learned counsel for the applicant and Sri Rajendra Prasad Singh, learned State Law Officer and also perused the material placed on record.
3. Applicant seeks bail in **Case Crime No. 163 of 2025, under Sections 123 & 103(1) of BNS, Police Station - Barkheda, District - Pilibhit**, during the pendency of trial.
4. As per prosecution story, the son of the applicant, namely Suraj, is stated to have forcibly took the minor sister of the informant to his house, whereupon the applicant is alleged to have administered milk mixed with some poisonous substance, as a result of which her condition deteriorated. The informant's sister was admitted to Government Hospital, Barkheda, with the assistance of the police. It is also mentioned in the FIR that prior to the said incident, on 27.05.2025, the deceased was allegedly subjected to rape by the applicant's son along with his friends.
5. Learned Senior Counsel for the applicant has argued that the applicant is innocent and has been falsely implicated in the present case. He has nothing to do with the said offence as alleged in the FIR. It is further submitted that as far as the incident of rape is concerned, the FIR is delayed by more than five days and there is no explanation of the said delay caused.

6. Learned Senior Counsel has further submitted that the victim did not care to lodge any FIR with regard to the alleged incident of rape. Subsequently, a false and concocted allegation relating to the administration of poisoned milk has been foisted upon the applicant. It is further contended that the victim may have committed suicide out of fear or remorse. So far as the allegation of abduction and administration of poisoned milk is concerned, the FIR has been lodged after a delay of about eight hours, which remains unexplained, as such, the entire prosecution story is sham, false, and fabricated.

7. Learned Senior Counsel has next contended that the applicant is languishing in jail since 4.6.2025, having no criminal history to her credit. In case, the applicant is released on bail, she will not misuse the liberty of bail and shall cooperate with trial.

8. Per contra, learned State Law Officer has vehemently opposed the bail application but unable to dispute the submissions raised by the learned Senior Counsel for the applicant and also the fact that the applicant has no criminal history.

9. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, nature of offence, severity of punishment, delay in lodging the FIR and also considering the fact that there is no direct or cogent evidence against the applicant, *prima facie* I find it a fit case to release the applicant on bail. The bail application is **allowed**.

10. Let the applicant- **Suman**, 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 will not tamper with the evidence during trial.
- ii) The applicant will not pressurise/intimidate with the prosecution witnesses.
- iii) The applicant will appear before the trial court on the date fixed.

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

12. 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.

January 16, 2026
Siddhant

(Krishan Pahal,J.)