



2026:AHC:3705

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39329 of 2025

Smt. Sunita Devi @ Chhoti

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Vishvendra Singh
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Sandeep Mishra, Advocate holding brief of Sri Vishvendra Singh, learned counsel for the applicant and Sri Yogesh Mishra, learned State Law Officer and perused the record.
3. Applicant seeks bail in **Case Crime No. 305 of 2024, under Sections 103(1), 238, 3(5) of BNS, Police Station - Barhan, District - Agra**, during the pendency of trial.
4. It is submitted by learned counsel for the applicant that similarly placed co-accused person, Rahul, has already been enlarged on bail by this Court vide order dated 9.10.2025 passed in Criminal Misc. Bail Application No. 16676 of 2025. It is further submitted that since the case of the applicant is at par to the co-accused, who has already been enlarged on bail, she is also entitled to be enlarged on bail on the ground of parity.
5. Learned counsel has also stated that the applicant is languishing in jail since 6.12.2024, having no criminal history. In case, the applicant is released on bail, she will not misuse the liberty of bail and shall cooperate with trial.
6. The prayer for bail has been vehemently opposed by learned State Law Officer on the ground that the dead body has been recovered at the pointing out of the applicant only and from her own agricultural field, as such, she is not entitled for bail.
7. In rebuttal, learned counsel for the applicant contended that all the accused were taken into custody and the recovery of the dead body was

intended to be made at their joint pointing out. Owing to local constraints, only the applicant was taken to the place of recovery, resulting in the dead body being recovered at her pointing out. However, this circumstance by itself cannot lead to the inference that the recovery was exclusively at the instance of the applicant or that any singular incriminating role can be attributed to her, particularly at the stage of consideration of bail. As such, the applicant is entitled for bail on the ground of parity.

8. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, evidence on record, pending trial and in the light of the judgement passed by this Court in *Nanha S/o Nabhan Kha vs. State of U.P., 1993 Cr.L.J. 938* and the judgement passed by the Supreme Court in *Paras Ram Vishnoi vs. The Director, Central Bureau of Investigation, MANU/SCOR/22410/2021* coupled with the judgement of Supreme Court passed in *Satender Kumar Antil vs. Central Bureau of Investigation and another* reported in *(2022) 10 SCC 51*, without expressing any opinion on the merits of the case, the Court is of the view that the applicant is entitled to be released on bail in this case. The bail application is **allowed** on the ground of parity.

9. Let the applicant- **Smt. Sunita Devi @ Chhoti**, 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.

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

11. 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 7, 2026
Siddhant

(Krishan Pahal,J.)