



2026:AHC:2424

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 44612 of 2025

Kundan Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Narendra Nath Tripathi
Counsel for Opposite Party(s)	:	Chandra Prakash Misra, G.A., Mohd. Shoeb Khan

Court No. - 66

HON'BLE KRISHAN PAHAL, J.

1. List has been revised. Supplementary affidavit filed by learned counsel for the applicant is taken on record.
2. Heard Sri Mangala Prasad Rai, learned Senior Advocate assisted by Sri Narendra Nath Tripathi, learned counsel for applicant, Sri Mohd. Shoeb Khan, learned counsel for the informant as well as Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Sunil Kumar, learned A.G.A. for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in S.T. No.1223/2025, arising out of Case Crime No.175 of 2025, under Sections 103(1), 85, 3(5), 61(2) BNS and Section 3/4 D.P. Act, Police Station Ramkola, District Kushinagar with the prayer to enlarge him on bail.
4. As per prosecution story, the marriage of the applicant was solemnized with the deceased person nine years before the date of occurrence, whereby applicant and other accused persons are stated to have slit the neck of the deceased person causing her death on 6.5.2025.
5. Learned Senior counsel for the applicant has stated that the FIR is delayed and there is no time of offence mentioned in it. Subsequently, two witnesses have been garnered i.e. 08 years and 06 years old daughters of the applicant and deceased person, who have stated that they had seen the applicant sweeping the floor to clear it of blood. The said evidence does not indicate that applicant has committed the said offence.

6. Learned Senior counsel for the applicant has further stated that other co-accused persons have been enlarged on bail, as such, the applicant is also entitled to bail on the ground of parity. The deceased person has sustained only one injury on her neck, which is muscle deep. There is no criminal history of the applicant. The applicant is in jail since 6.5.2025 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

7. Per contra, learned counsel for the informant and learned A.A.G. have vehemently opposed the bail application on the ground that there is statement of two daughters of the deceased person, which stands covered by Section 4 of Bharatiya Sakshya Adhiniyam, i.e. *res gestae*. It is further argued that the deceased had expired within the precincts of the house of the applicant and her neck was found slaughtered as her trachea was also found cut. The applicant being the husband of the deceased is the main accused person, and as such, he is not entitled for bail.

8. After hearing learned counsel for the parties and taking into consideration the fact that deceased had expired within the precincts of house of the applicant, who happens to be husband of the deceased person, coupled by the fact that there is statements of two minor daughters of the applicant and deceased person, I do not find it a fit case for grant of bail to the applicant.

9. The bail application is found devoid of merits and is, accordingly, **rejected**.

10. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of ***Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220*** and ***Hussain and Another vs. Union of India; (2017) 5 SCC 702***, if there is no legal impediment.

11. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

(Krishan Pahal,J.)

January 7, 2026
Vikas Verma