



2026:AHC:59021

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9665 of 2026

Govind Nishad

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Shweta Nishad
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. Heard Ms. Shweta Nishad, learned counsel for the applicant and Sri Kunwar Tejendra Bahadur, learned AGA, for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 137 of 2025, under Sections 80(2) and 85 BNS and Section 3/4 Dowry Prohibition Act, Police Station Sinduriya, District Maharajganj 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. She further argued that however, deceased, i.e., wife of the applicant died due to strangulation and there are several injuries on her body but applicant is not responsible for her murder as at the time of incident he was not present at his home.
5. She further argued that unfortunately after murder of the deceased only being her husband, applicant has been made accused in the present matter.
6. She further argued that applicant neither ever made any demand of dowry nor tortured the deceased in any manner and actually it is not the case of dowry death and it appears that in the absence of applicant some unknown miscreants after entering into the house of applicant committed the murder of his wife.

7. She further argued that applicant is not having any previous criminal history and in the present matter he is in jail since 27.6.2025, i.e., for the last more than eight months.

8. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife has been murdered in her matrimonial home within four years of her marriage and even there is allegation of torture in connection to demand of dowry.

9. Learned AGA further submits that applicant took a defence that on the date of incident he was not present at his house but his presence is even evident from the statements of the prosecution witnesses which have been recorded during investigation.

10. He further submits that applicant could not bring any evidence which can suggest that he was not present at his home at the time of incident. He next submits that therefore, instant bail application should be dismissed.

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

12. Applicant is husband of the deceased and his wife died within four years of her marriage in her matrimonial home under abnormal circumstances due to strangulation and even on her body number of injuries were found and there is also allegation of torture in connection to demand of Rs. Three Lacs and a golden chain.

13. Further, however, learned counsel for the applicant submits that on the date and time of incident applicant was not present and some unknown miscreants after entering in his house committed the murder of his wife but applicant could not bring any evidence in this regard. Further, even from page 79 of the paper book which is part of the statement of prosecution witness, it reflects that at the time of death of his wife, applicant was present in his home.

14. Therefore, considering the facts and circumstances of the case discussed above, particularly the fact that prima facie it appears to be a case of homicidal death and applicant prima facie appears to be present in his home at the time of incident, in view of this Court, applicant is not entitled to be released on bail.

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

16. 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.

(Sameer Jain,J.)

March 23, 2026

SKM