



2026:AHC:59107

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 9801 of 2026

Amar Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 66

HON'BLE SAMEER JAIN, J.

1. Heard Sri Anuj Bajpayee, learned Advocate holding brief of Sri Om Prakash Singh, learned counsel for the applicant and Sri Shatruhan Yadav, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 177 of 2025, under Sections 115(2), 352, 80(2), 85 BNS and Section 3/4 D.P. Act, Police Station Jiyanpur, District Azamgarh during pendency of the trial.

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

4. He further submits, actually husband used to do job of labour in Delhi and deceased always insisted to live with him and only due to this reason very often dispute arose between husband and wife and on the date of incident again such dispute arose between husband and wife and this time she consumed insecticide and died and even viscera report of the deceased suggests she died due to consumption of insecticide.

5. He further submits, deceased died after more than six years and eleven months of her marriage and this fact again suggests that it is not a case of dowry death as it is highly improbable that even after such long period of marriage applicant would torture the deceased for demand of dowry.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 25.09.2025 i.e. for last six months.

7. Per contra, learned AGA opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

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

9. However, applicant is husband of the deceased and his wife died within seven years of her marriage under abnormal circumstances in her matrimonial home and there is also allegation of torture in connection to demand of golden chain and ring but considering the viscera report of the deceased, the possibility of suicide committed by the deceased at this stage cannot be ruled out and reason of suicide disclosed by the applicant also cannot be ruled out.

10. Further, even deceased died after six years eleven months of her marriage.

11. Further, applicant is not having any criminal history and in the present matter he is in jail since 25.09.2025 i.e. for last six months.

12. Further, law is settled that unless proven guilty an accused is deemed to be innocent and bail application should not be dismissed either for punitive or preventive purpose.

13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

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

15. Let the applicant - **Amar Kumar** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

16. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

17. 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.

March 23, 2026
AK Pandey

(Sameer Jain,J.)