



2026:AHC-LKO:19187

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 1881 of 2026

Shayam Kumar

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Deptt. Of Home
Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Shivam Srivastava, Rahul Kumar
Shukla

Counsel for Opposite Party(s) : G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. On a query being put, Sri S.P. Tiwari, the learned AGA submitted that he has complete instructions in the matter and is ready to argue the case on merits, as such the Court proceeded to hear the instant application seeking bail on merits.
2. Heard learned counsel for the applicant, the learned A.G.A. for the State of U.P. and perused the record.
3. The present application has been filed on behalf of the applicant seeking bail in Case Crime No. 0363/2025, under Sections- 80(2), 85 B.N.S. and Section- 3/4 D.P. Act, Police Station- Paraspur, District-Gonda.
4. While pressing the present application, the learned counsel for the applicant stated that the applicant is the brother-in-law (Devar) of the deceased, whose marriage was solemnized on 15.06.2019 with co-accused/Nand Kumar (real brother of the applicant) as per Hindu Rites and Rituals.
5. It is further stated that for the reasons best known to the deceased, she committed suicide on 17.08.2025 and this aspect of the case can be inferred from the copy of post-mortem report, annexed as Annexure No. 4 to the instant bail application, as per which the cause of death is asphyxia due to ante-mortem hanging.
6. It is further stated that as per the judgment passed by the Hon'ble Apex Court in the case of **Mangat Ram v. State of Haryana, Criminal Appeal No. 592-SB of 1997, decided on 27-5-2008 (P&H)**, "A woman may attempt to commit suicide due to various reasons, such as, depression, financial

difficulties, disappointment in love, tired of domestic worries, acute or chronic ailments and so on and need not be due to abetment".

7. It is also stated that a perusal of FIR in issue would indicate that bald and vague allegations have been levelled against entire family members with regard to demand of dowry and committing cruelty on account of non-fulfillment of demand of dowry, which practice has been deprecated by the Hon'ble Apex Court in various pronouncements, which includes ***Geeta Mehrotra and others vs. State of U.P. and others, (2012) 10 SCC 741; Kahkashan Kausar v. State of Bihar, (2022) 6 SCC 599; Achin Gupta vs. State of Haryana and another, 2024 SCC OnLine SC 759; Payal Sharma Vs. State of Punjab and another, 2024 SCC OnLine SC 3473; Safiya Bano Alias Shakira and others Vs. State of U.P. and others, 2024 SCC OnLine SC 222 and Mamidi Anil Kumar Reddy Vs. State of Andhra Pradesh and another, 2024 SCC OnLine SC 127.*** It is further stated that the applicant is having no criminal history and he is languishing in jail since 06.10.2025.

8. It is further stated that taking note of the aforesaid including the period of incarceration and also the fact that charge sheet has already been filed and in this view of the matter the applicant would not be in a position to tamper the evidence already available on record of the competent court of jurisdiction, the present application is liable to be allowed and the applicant may be enlarged on bail. In case of being enlarged on bail, the applicant will not misuse the liberty of bail and will cooperate in trial and would also not influence the prosecution witnesses.

9. Learned A.G.A. opposed the prayer for bail, however he could not dispute the aforesaid contentions of counsel for the applicant.

10. Upon due consideration of the facts and circumstances of the case, the submissions of counsel for the applicant and learned A.G.A., F.I.R. as also the fact that the applicant has not been previously convicted for any offence and he is in jail since 06.10.2025 and also the chances of conviction of the applicant in the instant case as well as the judgments, referred above, this Court finds that the present applicant is liable to be allowed. Accordingly, it is ***allowed***.

11. Let the applicant- ***Shayam Kumar*** be released on bail in the aforesaid case crime number on his furnishing personal bond of Rs. 25,000/- and two reliable sureties (one of family member/close relative) each of the like amount to the satisfaction of the court concerned subject to following conditions :-

- (i) The applicant will cooperate with the prosecution during trial.
- (ii) The applicant will not tamper with the evidence during trial.
- (iii) The applicant will not pressurize/intimidate the prosecution

witness(es).

(iv) The applicant shall not commit an offence.

(v) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(vi) The applicant shall remain present before the trial court on each date fixed, either personally or through counsel.

(vii) The applicant will not seek any adjournment on the dates fixed for evidence when the witnesses are present in court.

(viii) The applicant shall remain present, in person, before the trial court on the dates fixed for recording of statement under Section 313 Cr.P.C.

12. In case of default of above conditions it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

13. As this order relates to enlargement of the applicant on bail, it is clarified that observations made in this order shall have no bearing on the merits of the case and the trial court shall not be influenced by any observations made in this order.

(Saurabh Lavania,J.)

March 17, 2026

Arun/-