



2026:AHC-LKO:19928

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 319 of 2026**

Urmila Devi @ Urmila Mishra And 2 Others

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko. And Another

.....Opposite Party(s)

Counsel for Applicant(s)	:	Ramakar Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 13

HON'BLE SAURABH LAVANIA, J.

1. Case called out. No one appeared on behalf of the private opposite party No. 2 despite service of notice, as appears from the order of this Court dated 13.03.2026. Learned AGA is present in the Court. In these circumstances and also taking note of the order of this Court dated 13.03.2026, which says "*It is made clear that on the next dates of listing, the case would not be adjourned on any ground including the illness and appropriate orders, which includes adversarial order to the opposite party No. 2/informant, would be passed in first call even in absence of informant's counsel*", the Court proceeded in the matter.

2. Heard the learned counsel for the applicants, the learned AGA for the State of U.P. and perused the material placed on record.

3. The present anticipatory bail application has been filed by the applicants in relation to Case Crime No. 30 of 2026, under Section- 108 B.N.S., Police Station- Kotwali Nagar, District- Sultanpur.

4. Vide order dated 18.02.2026, this Court had protected the interest of the applicants. The order dated 18.02.2026, referred, reads as under:-

"1. Heard learned counsel for the applicant, learned AGA for the State and perused the record.

2. The present anticipatory bail application has been filed by the applicant in relation to Case Crime No. 30 of 2026, under Section- 108 B.N.S., Police Station- Kotwali Nagar, District- Sultanpur.

3. While pressing the instant application, it is stated that the applicants are innocent and they have falsely been implicated in the instant case.

4. It is further stated that in the FIR vague and bald allegations have been levelled against the applicants.

5. It is further stated that the learned Sessions Court, vide order dated 02.02.2026, has declined to protect the interest of the applicants and therefore, the present application has been filed before this Court.

6. Learned counsel for the applicants further stated that a bare reading of FIR would show that there is no allegation based upon which Section 108 B.N.S. can be attracted. He says that for the purposes of offence under Section 108 B.N.S., the prosecution has to allege and prove that the deceased was abetted/instigated by the accused immediately before committing suicide. Merely on the allegation of harassment without there being any positive action proximate to the time of occurrence on the part of the accused which led or compelled the person to commit suicide, implication or conviction in terms of Section 108 B.N.S. is not sustainable. In order to bring a case within the purview of Section 108 B.N.S., there must be a case of suicide and in the commission of the said offence, the person who is said to have abetted the commission of suicide must have played an active role by an act of instigation or by doing certain act to facilitate the commission of suicide. This aspect is missing in this case. In this regard, learned counsel for the applicants has placed reliance on the judgments passed by the Hon'ble Apex Court in the case(s) of *Gurcharan Singh v. State of Punjab*, (2020) 10 SCC 200 and *Geo Varghese v. State of Rajasthan and Another*, (2021) SCC Online SC 873.

7. Based upon the observations made by the Hon'ble Apex Court in the judgment dated 05.03.2024 passed in the case of *Prabhat Kumar Mishra Alias Prabhat Mishra vs. State of U.P. and another*, (2024) 3 SCC 665, it is also stated that only based upon the suicide note, the judgment of conviction cannot be passed and for convicting an accused under Section 108 B.N.S., the prosecution is under obligation to prove essential ingredients indicated under Section 108 B.N.S.

8. It is also stated that the presumption against the applicants is rebuttable, and it is for the prosecution first to establish its case so as to attract the aforesaid statutory provisions.

9. Considering the aforesaid facts as also that it is case of suicide, as stated, and also the observations made by the Hon'ble Apex Court in various pronouncements including the judgments, referred above, this Court finds that the applicants are entitled to interim protection.

10. Accordingly, as an interim measure it is provided that in the event of arrest, the accused-applicants- Urmila Devi @ Urmila Mishra, Maharshi Mishra and Arpan Mishra be released forthwith in the aforesaid case crime (*supra*) on anticipatory bail on furnishing a personal of Rs. 25,000/- and two sureties (one of family member) each in the like amount to the satisfaction of Station House Officer of the Police Station/Court concerned with the following conditions:-

(i) That the accused-applicants shall make themselves available for interrogation by police authorities as and when required and will cooperate with the investigation;

(ii) That the accused-applicants 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; and

(iii) That the accused-applicants shall not leave India without the previous permission of the Court.

11. Issue notice to the opposite party No. 2. Steps in this regard be taken within four working days.

12. Let the the opposite party No. 2 be also informed by the SHO, Police Station- Kotwali Nagar, District- Sultanpur regarding pendency of the instant case.

13 Learned AGA is directed to communicate this order to the SHO concerned forthwith and place the proof regarding the information given by the S.H.O. concerned to the complainant/opposite party No. 2 by way of an affidavit when the case is listed next.

14. List/put up this application on 09.03.2026 within top 20 cases.

15. In the meantime, the learned AGA may file an affidavit in response to this application."

5. The learned counsel appearing for the prosecution could not demonstrate from the record that there is any adversarial fact which are pleaded in the bail application. This Court finds that the applicant was enlarged on anticipatory bail after considering the merits of the case. The learned counsel for the prosecution also could not point out any fact based upon which it can be inferred that the applicant has not cooperated with the investigation proceedings or otherwise any glaring fact which can adversely affect the merit of the case.

6. In view of the aforesaid, the present anticipatory bail application is hereby **allowed** while extending anticipatory bail to the applicants- **Urmila Devi @ Urmila Mishra, Maharshi Mishra** and **Arpan Mishra** till disposal of the trial subject to the following conditions:-

(i) that the applicants shall make himself available for interrogation by a police officer as and when required;

(ii) that the applicants 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/ her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(iii) that the applicants shall not leave India without the previous permission of the court;

(iv) that the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted; and

(v) that the applicants shall not pressurize/intimidate the prosecution witness.

7. In case of default, it would be open for the Investigating Agency to move application for vacation of this order.

March 18, 2026
Arun/-

(Saurabh Lavania,J.)