



2026:AHC:55616

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 2246 of 2026

Neha @ Neha Mishra

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

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

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. Learned counsel for the applicant; and learned A.G.A. for the State are present.

2. The present anticipatory bail application has been filed on behalf of the applicant in Case Crime No. 461 of 2025, under Section 108 BNS, Police Station-Jeanpur, District-Azamgarh, with a prayer to enlarge her on anticipatory bail, till the conclusion of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. He seeks anticipatory bail on the following grounds :-

i. The First Information Report (FIR) has been lodged with the delay of nine days as the incident is said to be of 3.11.2025 and the FIR was lodged on 12.11.2025.

ii. The allegations in the FIR indicate that the applicant has falsely been implicated as she is not a family member of the husband of the deceased.

iii. The applicant is a young lady aged about 20 years and is pursuing her B.A. as a private student of the Hindi Sahitya Sammelan Prayagraj and lives in Varanasi with her mother.

iv. The applicant has no criminal antecedents.

4. Learned A.G.A. has opposed the prayer for anticipatory bail, and has submitted that the applicant is nominated in the FIR. The deceased was subjected to cruelty by the applicant along with the family members of the deceased. It has come in investigation that the applicant and the husband of the deceased were constantly in touch with each other which is reflected from the Call Detail Records. In the statement of Om Prakash Mishra, the cousin of the deceased, he has submitted that the applicant was also his relative and the husband of the deceased had an extra marital affair with the applicant, which led to the deceased taking extreme step. Therefore, it is contended that no relief may be granted to her.

5. I have considered the submissions made by the learned counsel for the parties and perused the material available on record.

6. *Prima facie*, it appears that the applicant is not a member of the deceased's family. The investigation reveals that the applicant may have been in an extra martial relation with the husband of the deceased. In the opinion of the Court, such relations may not be considered to be an abetment, as defined under Section 45 of the B.N.S. The applicant is a young woman aged about 20 years and is pursuing her studies. She does not have any criminal antecedents. There is no allegation in the FIR nor any material collected during investigation which would indicate that the injuries found on the person of the deceased were a result of the assault made by the applicant. In such circumstances, I deem it appropriate to enlarge the applicant on anticipatory bail.

7. The anticipatory bail application of the applicant is ***allowed***.

8. In the event of the arrest of the applicant- **Neha @ Neha Mishra**, involved in the aforesaid case crime, she shall be released on anticipatory bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of the Station House Officer of the police station/Court concerned, with the following conditions:-

- i. The applicant shall make herself available for interrogation by a police officer as and when required;
- ii. 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;

iii. The applicant shall not leave India without the previous permission of the Court;

iv. The applicant shall not pressurize/intimidate the prosecution witness;

9. In case of breach of any of the above conditions, the Court concerned shall be at liberty to cancel the anticipatory bail granted to the applicant.

10. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

(Rajiv Lochan Shukla,J.)

March 18, 2026

Kirti