



2026:AHC:58634

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 3981 of 2026

Mahanth Gupta @ Golu

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Brij Bhushan Prasad Shrivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 67

HON'BLE SAMEER JAIN, J.

1. Heard Sri Brij Bhushan Prasad Shrivastava, learned counsel for the applicant and Sri R.N. Srivastava, learned AGA for the State.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 276 of 2025, under Sections 109(1), 352, 85 BNS and Section 3/4 D.P. Act, Police Station Mahuadih, District Deoria during pendency of the trial.
3. Learned counsel for the applicant submits, applicant is husband of the victim i.e. informant and only due to matrimonial dispute he has been made accused in the present matter.
4. He further submits, however, as per allegation, applicant and his family members caused injuries to the injured i.e. wife of applicant but entire allegations leveled against applicant are totally false.
5. He further submits, actually on the date of incident accidentally victim fell and sustained injury on her neck and this fact is even evident from her first medical examination which has been annexed at page-34 of the paper-book.
6. He further submits, after first examination her brother got discharged her and thereafter taken her and when second medical examination of the victim was conducted at 4.38 PM then in this medical report doctor noted as many as seven injuries.
7. He further submits, either medical report dated 30.11.2025 has been procured in some other manner or after discharge from the Community

Health Center victim sustained these injuries. He further submits, the second medical report is contrary to her first medical report.

8. He further submits, even on the basis of general allegation applicant has been made accused in the present matter as according to victim herself applicant and his family members caused injury to her.

9. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 08.12.2025.

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

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

12. However, applicant is husband of the injured and in the alleged incident his wife sustained injuries but there are two medical examination reports of the victim on record and both are contrary to each other. According to first medical report victim sustained single minor cut on her neck and as per second medical examination which was conducted subsequently, she sustained as many as seven injuries. Considering the fact that as per statement of brother of victim, after first examination he has taken the victim, the argument advanced by learned counsel for applicant with regard to second medical examination of victim at this stage, cannot be ruled out.

13. Further, even from the FIR and the statement of victim i.e. wife of the applicant it could not be reflected, applicant was the sole person who caused injury to her. It reflects, she made allegation of causing injury against applicant and his family members and therefore as far as allegations of causing injury is concerned on the basis of general allegation applicant has been made accused along with his family members.

14. Further, even there is delay of seven days in lodging the FIR of the present case. Further, it is admitted fact that matrimonial dispute was pending between both the parties.

15. Further, applicant is not having any criminal history and in the present matter he is in jail since 08.12.2025.

16. Therefore, considering the facts and circumstances of the case discussed

above, in my view, applicant is entitled to be released on bail.

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

18. Let the applicant - **Mahanth Gupta @ Golu** 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.

19. 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.

20. 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 20, 2026
AK Pandey

(Sameer Jain,J.)