



2026:AHC:126027

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 19592 of 2026

Moni

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Akash Kumar Nishad, Subhash
Chandra Pandey
Counsel for Opposite Party(s) : G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Subhash Chandra Pandey, learned counsel for the applicant, Sri Brij Bhushan Srivastava along with Sri Isa Khan, learned counsel for the first informant and Sri Rakesh Kumar Mishra, learned A.G.A. for the State and perused the record.
2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.83 of 2026, under Sections-103(1), 115(2), 352, 3(5) BNS, Police Station-Mahuadih, District-Deoria, during the pendency of the trial.
3. Contention of learned counsel for the applicant is that in the FIR as well as in the statement of injured, specific allegation of causing head injury has been assigned to the co-accused, Raj Vishwakarma and on his pointing out, murder weapon was also recovered. The allegation against the applicant is that she abused the deceased and also entered into a scuffling with the deceased and other injured. It is further submitted that as per the postmortem report, cause of death is head injury which has been specifically assigned to Raj Vishwakarma. The case of the applicant is distinguishable from the co-accused, Raj Vishwakarma. It is further submitted that the applicant has no criminal history and being a lady, she is entitled to be released on bail in view of Section 480(1) BNSS. The applicant is languishing in jail since 17.04.2026. In case, she is granted bail, she will not misuse the liberty of bail and would cooperate in the trial

proceedings.

4. Per contra, learned counsel for the first informant and learned A.G.A. have vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that applicant is a **lady** and also keeping in view the nature of offence, evidence, complicity of the accused and also taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

6. Let the applicant- **Moni**, involved in the aforementioned crime be released on bail, on her 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 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.
- ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.
- iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.
- iv. The applicant shall attend in accordance with the conditions of the bond executed by her.

7. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

8. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

9. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

10. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

11. Office is directed to send a copy of this order to the applicant through **Deoria Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

(Arun Kumar Singh Deshwal,J.)

June 5, 2026
S.C.