



2026:0001:114944

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 9888 of 2026

Jyoti @ Soni

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 67

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Gaurav Kumar Singh, learned counsel for the applicant, Sri Patanjali Mishra, learned Government Advocate along with Sri D.P.S. Chauhan and Sri Bhupendra Pal Singh, learned A.G.A. for the State.
2. Instant bail application has been filed with a prayer to release the applicant on bail during the trial in Case Crime No.215 of 2025, under Sections 103(1) BNS, Police Station- Belharkala, District Sant Kabir Nagar.
3. This matter was earlier heard on 21.04.2025. On that date, this Court directed the learned AGA to produce the FSL report regarding the weapon (Gaita) recovered on the pointing out of the applicant as well as colour photograph of the aforesaid weapon.
4. This matter was again heard on 08.05.2026. On that date, FSL report could not be produced as the same had not been provided by the incharge FSL and I.O. also could not produce the colour photograph of the murder weapon as well as video footage of the recovery of the murder weapon on the ground, that the same has been deleted from his mobile. Therefore, this Court taking serious view of the matter particularly considering the fact that instead of recording the videography from e-Sakshya app, it had been recorded through a mobile phone, directed the S.P., Sant Kabir Nagar to appear in person before this Court.
5. In pursuance of the order of this Court dated 08.05.2026, Sri Sanjeev

Kumar Meena, S.P., Sant Kabir Nagar is present before this Court and he has filed his personal affidavit mentioning therein that on finding negligence on the part of the concerned I.O./SHO, he has directed to conduct an inquiry and concerned I.O. has been attached with police lines. It is further mentioned in the aforesaid affidavit that directions have been issued to all the police officers to comply the DGP's circular regarding conducting of videography as required under Section 105 BNSS through e-Sakshaya App. He further informed the Court that he will monitor, on a monthly basis, the proper compliance of Section 105 BNSS as well as the compliance of the order of the High Court.

6. This Court is satisfied with the explanation submitted by S.P., Sant Kabir Nagar, therefore, his personal appearance is exempted.

7. Now coming to the merit of this case, learned counsel for the applicant has submitted that the dispute arose from a quarrel between the children, which subsequently led to a scuffle between the applicant and deceased, and the deceased accidentally received injury on his head which resulted in a hematoma in the brain, and thereafter, the deceased died because of that injury. It is further submitted that there is no eye witness of the incident, therefore, subsequent statement of the wife and other family members of the deceased that it is applicant who assaulted the deceased with Gaita. It is further submitted that even no disclosure memo was prepared before showing the recovery of weapon and alleged memo itself shows, it was not signed by the applicant. It is lastly submitted that the applicant is lady and she has no criminal history, therefore, she is entitled to be released on bail in view of Section 480 BNSS. She is languishing in jail since 08.09.2025. In case, she is granted bail, she will not misuse the liberty of bail and would cooperate in the trial proceedings.

8. On the other hand, learned A.G.A. for the State opposed the prayer for bail but could not dispute the aforesaid facts.

9. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicant is **lady** and keeping in view the nature of offence, evidence, complicity of accused and 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.

10. Let the applicant- **Jyoti @ Soni** 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 her 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 him.

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

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

13. Verification of mobile number as well as Aadhar Card of the applicant and sureties should also be conducted by the court concerned.

14. It is 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.

15. Office is directed to send a copy of this order to the applicant through **Sant Kabir Nagar Jail Superintendent** via e-mail or e-prison portal 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**.

16. Pen drive, annexed with the personal affidavit of S.P., Sant Kabir Nagar, is returned back to the learned AGA.

17. Sri Anil Kumar, the concerned I.O. is appeared in person before this Court. His personal appearance is exempted.

(Arun Kumar Singh Deshwal,J.)

May 18, 2026
A.Kr.