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HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 15284 of 2026

Rahul Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

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

Court No. - 65
(Sr. No.31 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Lalit Singh, learned counsel for applicant as well as Sri Jai Kishan Chaurasia, learned State Law Officer for the State and perused the material placed on record.
3. The present bail application has been filed by the applicant in Case Crime No.291 of 2024, under Sections 80(2), 85 BNS and 3/4 Dowry Prohibition Act, Police Station- Muhammadabad, District Ghazipur with the prayer to enlarge him on bail.
4. This is the second bail application on behalf of the applicant. The first bail application was rejected by this Court vide order dated 10.7.2025 in Criminal Misc. Bail Application No.4547 of 2025 and the following order was passed:-

"1. List has been revised.

2. Heard Sri Kalp Dev Mishra, learned counsel for the applicant, Sri Amit Kumar, learned State Law Officer and perused the material placed on record.

3. Applicant seeks bail in Case Crime No. 291 of 2024, under Sections 80(2), 85 B.N.S. and 3/4 D.P. Act, Police Station- Muhammadabad, District- Ghazipur, during the pendency of trial.

4. *Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. He has nothing to do with the said offence. The FIR is delayed and there is no explanation of the said delay caused.*

5. *Learned counsel for the applicant has further stated the allegations are per se false. The cause of death has been found to be asphyxia as a result of antemortem hanging. No injury has been found on the body of the deceased person except a ligature mark on her neck. There is no criminal antecedent of the applicant. The applicant is languishing in jail since 16.10.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.*

6. *Per contra, learned State Law Officer has vehemently opposed the bail application.*

7. *After hearing learned counsel for the parties and taking into consideration that the deceased had expired within the precincts of house of the applicant coupled with the fact that the FIR has been instituted promptly within a span of 2 hours and 20 minutes, I do not find it a fit case for grant of bail to the applicant.*

8. *The bail application is found devoid of merits and is, accordingly, rejected.*

9. *However, it is directed that the aforesaid case pending before the trial court be decided expeditiously in view of the principle as has been laid down in the recent judgments of the Supreme Court in the cases of **Vinod Kumar vs. State of Punjab; 2015 (3) SCC 220** and **Hussain and Another vs. Union of India; (2017) 5 SCC 702**, if there is no legal impediment.*

10. *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."*

5. As a new ground, learned counsel for the applicant has stated that it is the period of incarceration as the applicant is languishing in jail since 16.10.2024, as such, he is incarcerated in jail for more than one and a half

years. Only three witnesses have been examined to date. It has come up in the cross-examination of PW-2 that there was no demand any dowry, as such, the ingredients of Section 80(2) BNS do not stand fulfilled. There is no criminal antecedent of the applicant and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

6. Per contra, learned State Law Officer has vehemently opposed the bail application on the ground that the presumption U/s 117 of Bharatiya Sakshya Adhiniyam goes against the applicant as other witnesses have completely corroborated the prosecution story, as such, he is not entitled to bail.

7. After hearing learned counsel for the parties and taking into consideration the fact that applicant being the husband of the deceased and she having expired within the precincts of his house that too within a span of seven years of the marriage, I do not find it a fit case for grant of bail to the applicant. The bail application is found devoid of merits and is, accordingly, ***rejected***.

8. However, it is directed that the aforesaid case pending before the trial court be decided expeditiously, as early as possible, in accordance with law, without granting unnecessary adjournment to either party, if there is no legal impediment.

9. 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.

(Krishan Pahal,J.)

May 6, 2026
Vikas Verma