



202508101035475

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 15276 of 2026

Ram Sharan

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anil Kumar Savita
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

(Sr. No.28 out of 259)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.
2. Heard Sri Anil Kumar Savita, learned counsel for applicant, 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.44 of 2024, under Sections 80(2), 85 BNS, 2023 and 3/4 D.P. Act, Police Station Devrahat, District Kanpur Dehat with the prayer to enlarge him on bail.
4. This is the second bail application on behalf of the applicant. The first one was rejected by this Court vide order dated 25.08.2025 passed in Criminal Misc. Bail Application No.29171 of 2025 and the following order was passed:

"1. List has been revised. Learned counsel for the informant is not present.

2. Heard Sri Hari Nath Chaubey, learned counsel for applicant, Sri Sunil Kumar, learned A.G.A. 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.44 of 2024, under Sections 85, 80(2) B.N.S. and Section 3/4 D.P. Act, Police Station Devrahat, District Kanpur Dehat with the prayer to enlarge him on bail.

4. Learned counsel for the applicant has stated that the FIR is delayed by about one day

and there is no explanation of the said delay caused. Insecticide has been found in the viscera report of the deceased person. The father of the applicant had admitted the deceased to the hospital. There is no criminal history of the applicant. The applicant is in jail since 25.11.2024 and he is ready to cooperate with trial. In case, the applicant is released on bail, he will not misuse the liberty of bail.

5. Per contra, learned A.G.A. has vehemently opposed the bail application on the ground that the FIR is prompt and the deceased had expired within the precincts of the house of the applicant, as such, he is not entitled for bail.

6. After hearing learned counsel for the parties and taking into consideration the promptness of FIR and the deceased having expired within the precincts of house of the applicant coupled with the fact that insecticide has been found in the viscera report of the deceased person, I do not find it a fit case for grant of bail to the applicant.

*7. 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 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.*

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."

5. Learned counsel for the applicant has stated that, as a new ground, it is the period of incarceration on which the applicant is entitled to bail, as he is in jail since 25.11.2024 and about one and a half years have passed since his incarceration. Three witnesses have already been examined. The statement of PW-1 indicates that she was married off to the applicant without her will. Even the statement of PW-2, the father of the victim, indicates that he did not have any conversation with his daughter, which suggests that there was no demand for dowry; as such, it is a clear-cut case of false implication. The applicant is ready to cooperate with the trial, and in case he 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 three witnesses have already been examined and the trial is proceeding at a reasonable pace, coupled with the fact that insecticide was found in the viscera of the deceased, 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, 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
(Ravi Kant)