2026:AHC:187971

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31883 of 2026

Kanti Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Balram Jee Verma
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

(Sr. No.29 out of 172 T.C.)

HON'BLE KRISHAN PAHAL, J.

1. List has been revised.

2. Heard Sri Balram Jee Verma, learned counsel for applicant, Sri Arun Kumar Mishra, 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.108 of 2026, under Section 103(1) B.N.S., Police Station Munderwa, District Basti with the prayer to enlarge her on bail.

4. Learned counsel for the applicant has stated that the statement taken by the Investigating Officer under Section 180 B.N.S.S. cannot be treated as a dying declaration. No medical certificate regarding the fitness of the deceased was obtained by him. Even the Rules of the High Court have not been followed. As such, the allegations are per se false, and the applicant is entitled to bail, being a lady. There is no motive for the applicant to commit the said offence. The applicant was happily living with the deceased as a live-in partner for four years. The applicant is in jail since 08.05.2026 and is ready to cooperate with trial. In case, the applicant is released on bail, she 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 statement recorded by the Investigating Officer under Section 180 B.N.S.S. tantamounts to a dying declaration, and the said dying

declaration categorically indicates the complicity of the applicant in the said offence. Even the fact mentioned by the informant in the FIR that the door of the room of the deceased was found bolted from outside, as such, the deceased could not open it and had to force open the wall.

6. After hearing learned counsel for the parties and taking into consideration the statement of the deceased recorded under Section 180 B.N.S.S., which tantamounts to a dying declaration, 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***.

7. 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.

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.

(Krishan Pahal,J.)

September 9, 2026
(Ravi Kant)

Digitally signed by :-
RAVI KANT
High Court of Judicature at Allahabad