2026:AHC:207910

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 16595 of 2026

Bharat Singh And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Arjun Kashyap, Ashish Kumar, Dharm Vir Jaiswal, Harsh Vikram

Counsel for Opposite Party(s) : G.A.

Court No. - 74

HON'BLE SAMIT GOPAL, J.

1. List revised.

2. Heard Sri Ashish Kumar, learned counsel for the applicants, Sri V.D. Ojha, learned A.G.A. and perused the material on record.

3. This second bail application under Section **483 of B.N.S.S.** has been filed by the applicants Bharat Singh, Maya@Lalani, seeking enlargement on bail during trial in connection with Case Crime No.390 of 2024, under Sections 85, 80(2) BNS, 2023 and 3/4 D.P.Act, registered at P.S. Katghar, District-Moradabad.

4. The first bail application of the applicant being Criminal Misc. Bail Application No. 4083 of 2025 was rejected by this Court vide order dated 17.3.2025.

5. Counter affidavit dated 12.6.2025 of the State is on record. Learned counsel for the applicant submits that he does not proposes to file any rejoinder affidavit to the same.

6. Learned counsel for the applicant argued that trial in the matter is going on in which two prosecution witnesses have been examined till date. It is submitted that the statement of the first informant/Vijay Saini was recorded as P.W.1 before the trial court which is annexure no. 5 to the affidavit in support of bail application. It is submitted that the applicants are father-in-law and mother-in-law respectively of the deceased Smt. Preeti. It is

submitted that there are 18 witnesses to be examined as per charge sheet and since only two witnesses till date have been examined, trial will take time and thus the prayer for bail of the applicants be considered. The applicants have no criminal history as stated in para-26 and 28 of the affidavit and are in jail since 14.12.2024.

7. Per contra, learned AGA opposed the prayer for bail and argued that fist bail application of the applicants were rejected by this Court on merits and now there is no new and fresh ground in the present matter. It is submitted that two prosecution witnesses have been examined before the trial court and as such it cannot be said that trial is stand still. The bail application of the applicant be rejected.

8. After having heard learned counsels for the parties and perusing the records, it is evident that the applicant no. 1 is father-in-law and the applicant no. 2 is mother-in-law of the deceased Smt. Preeti. This is the second bail application. The first bail application of the applicants was rejected by this Court vide order dated 17.3.2025 which reads as under:

"1. List revised.

2. Heard Sri Ram Kumar Dubey, learned counsel for the applicants, Sri Ajay Singh, learned AGA-I for the State and perused the material on record.

3. This bail application under Section 483 B.N.S.S has been filed by the applicants-Bharat Singh and Smt. Maya @ Lalani, seeking enlargement on bail during trial in connection with Case Crime No. 390 of 2024, under Sections 85, 80 (2) B.N.S., 2023 and 3/4 Dowry Prohibition Act, registered at Police Station Katghar, district Moradabad.

4. The FIR of the matter was lodged on 25.7.2024 by Vijay Saini against the applicants and three other persons with the allegation that his sister Preeti was married to Heera on 19.4.2018. After marriage they had two children. The accused persons used to torture his sister for dowry, cash and gifts. The accused persons were not happy with the dowry, cash and gifts given to them and there was a demand of a Swift Car and due to non-fulfillment of the same, she used to be regularly tortured physically and mentally. Previously a case regarding torture and harassment was lodged in which Heera, the husband and Bharat Singh, the father-in-law had also suffered jail and since then they were having enmity. On 5.7.2024 at about 8 p.m. his sister for the last time talked to her mother after which no news was received. On 7.7.2024 at about 5-6 a.m. Heera called the mother of the first informant and told her that Preeti had gone to market on 6.7.2024 at about 2 p.m. but has not returned back. On suspicion the informant and his family members strictly asked Heera about it who then told them that he has murdered Preeti inside the

house and has thrown the body in Ram Ganga. Since then the informant and his family members are searching the dead-body. The accused persons due to dowry have murdered his sister and in order to destroy the evidence, have got the dead-body disappeared. The FIR be lodged and action be taken.

5. Learned counsel for the applicant argued that the applicant has been falsely implicated in the present case. It is argued that the applicant no.1 is the father-in-law and applicant no.2 is the mother-in-law of the deceased. There are general and omnibus allegations levelled against the applicants. It is argued that the deceased went away from the house and disappeared and as such is not traceable. It is argued that co-accused Akash has been granted bail by the trial court concerned vide order dated 9.8.2024, copy of the same is annexed as Annexure No.9 to the affidavit filed in support of bail application. It is argued that Heera, the husband of the deceased is in jail. The applicant no.2 is lady and is entitled to get benefit under Section 480 B.N.S.S. It has also been pointed out that the applicants are not having any criminal history as stated in para 23 of the affidavit and are in jail since 14.12.2024.

6. Per contra learned counsel for the State vehemently opposed the prayer for bail and argued that the deceased as per the case of the prosecution itself was staying with the applicants in the same house and has disappeared. Even her dead-body has not been recovered till date. It is further submitted that the Investigating Officer has recovered the broken bangles and half pant of Heera, the husband and Scooty on the pointing out of co-accused Heera. He has placed before the Court a judgement of the Apex Court in the case of Shabeen Ahmad Vs. The State of Uttar Pradesh and another in SLP (Crl.) No.15156 of 2024, para 15 to buttress his arguments, as such bail application of the applicant be rejected.

7. After hearing the counsel for the parties and perusing the record, it is evident that the deceased was the daughter-in-law of the applicants who was married to the son of the applicants. The deceased was living in the same house. She had disappeared. Even the dead-body of the deceased has not been recovered till date. There is allegation of demand of dowry, torture and harassment by the applicants. Even prior to the present incident a police case was initiated for torture in which Heera, the husband and applicant no.1 Bharat Singh were arrested.

8. Looking to the facts and circumstances of the case, nature of incident and the gravity of the incident, I do not find it a fit case for bail, hence, the bail application is rejected. "

9. Trial in the matter is going on in which as per learned counsel for the applicants two prosecution witnesses have been examined. The same would go to show that trial is proceeding diligently. The facts and merits of the matter have already been considered while rejecting the first bail application of the applicants. There is no new and fresh ground in the present second bail application.

10. Looking into the facts and circumstances of the case as well as nature and gravity of the offence, I am not inclined to release the applicant on bail.

11. The bail application is, accordingly, rejected.

12. However, the trial court shall ensure expeditious disposal of the trial of the said case without giving any unnecessary adjournments to either of the parties strictly in accordance with Section 346 B.N.S.S./309 Cr.P.C., subject to any legal impediment.

(Samit Gopal,J.)

October 5, 2026
Naresh

Digitally signed by :-
NARESH KUMAR
High Court of Judicature at Allahabad