HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33020 of 2026

Bhanu Prakash

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Along with :

1. **Criminal Misc. Bail Application No. 34447 of 2026:**
   Surrendra Prasad
   Versus
   State of U.P.

Counsel for Applicant(s)	:	Amarnath Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Counter affidavit filed by the State in case of applicant - Surrendra Prasad and rejoinder affidavit filed on behalf of applicant - Bhanu Prakash are taken on record.

2. As both the bail applications are connected and arise from the same FIR therefore both the bail applications are being disposed of by common order.

3. Heard Sri Amarnath Tripathi, learned counsel for the applicants and Sri Ashutosh Singh, learned AGA for the State.

4. Both the instant bail applications have been filed seeking release of the applicants on bail in Case Crime No.338 of 2026, under Sections 115(2), 85, 123, 127(2), 103(1), 3(5) BNS and Section 3/4 DP Act, Police Station Sarnath, District Varanasi, during pendency of the trial.

5. Learned counsel for the applicants submits, applicant Bhanu Prakash is Devar of the deceased while applicant Surendra Prasad is her father-in-

law and on the basis of false allegation they have been roped in the present matter.

6. He next submits, admittedly applicants resided separately from the deceased and they were having no concern with the family affairs of the deceased.

7. He next submits, actually deceased herself consumed sulphas and died but after her death on the basis of false allegation applicants have been made accused.

8. He further submits, however there are two statements of the deceased; first recorded by the I.O; and second recorded by A.C.P, and in both the dying declarations however deceased stated that applicants alongwith her husband forcibly administered sulphas to her but there is a video on record, details of which have been annexed at page-65 of the paper book, and from its perusal it reflects, deceased herself consumed sulphas.

9. He further argued, even from the statement of one Arti Devi recorded by the I.O. it reflects, when she made a video call to the deceased then her six-year-old son Kartik received the call and informed her that deceased consumed poison and even on the video call he displayed wrapper of the sulphas and its bottle.

10. He next submits, considering the above video and statement of Arti Devi, prima facie the alleged dying declarations recorded by police officers appear to be doubtful.

11. He next submits, even as per prosecution deceased died due to consumption of sulphas and this fact also casts serious doubt on the prosecution case as it is not possible to administer sulphas forcibly.

12. He further argued, applicants are not having any criminal history and in the present matter they are in jail since 24.06.2026 i.e. for last more than four months.

13. Per contra, learned AGA opposed the prayer for bail and submits, there are two dying declarations of the deceased; first recorded by the I.O. and second recorded by the A.C.P. and in both the dying declarations

deceased stated that applicants alongwith her husband forcibly administered sulphas to her but could not dispute the fact that from the video and statement of Arti Devi it reflects, deceased herself consumed sulphas. He also could not dispute the fact that applicants resided separately from the deceased. He also could not dispute the fact that applicants are not having any criminal history.

14. I have heard learned counsel for the parties and perused the record of the case.

15. Applicants are Devar and father-in-law of the deceased and it reflects, they resided separately from the deceased. However, there are two statements of the deceased; first recorded by the I.O; and second recorded by the A.C.P. and in both the alleged dying declarations she stated that applicants alongwith her husband forcibly administered sulphas to her but there is also one video on record which suggests, deceased herself consumed sulphas. Record further suggests, when I.O. recorded the statement of one Arti Devi then she also stated that when after hearing about incident she made a video call to the deceased then her six-year-old son Kartik attended the call and informed her that deceased consumed sulphas and even he displayed the wrapper and bottle of the sulphas. Considering the video and statement of the witness Arti Devi, prima facie the alleged dying declarations of the deceased recorded by the police officers appear to be doubtful.

16. Further, applicants are not having any criminal history and in the present matter they are in jail since 24.06.2026 i.e. for last more than four months.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicants are entitled to be released on bail.

18. Accordingly, without expressing any opinion on the merits of the case, the both the instant bail applications are allowed.

19. Let the applicants - **Bhanu Prakash** and **Surrendra Prasad** be released on bail in the aforesaid case on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court

concerned with the following conditions:-

(i) The applicants shall appear before the trial court on the dates fixed, unless their personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or any police officer or tamper with the evidence.

(iii) The applicants shall not indulge in any criminal and anti-social activity.

20. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicants.

21. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail applications and the said observations shall have no bearing on the merits of the case during trial.

(Sameer Jain,J.)

October 24, 2026
Shahroz

Digitally signed by :-
SHAHROJ ALAM
High Court of Judicature at Allahabad