2026:AHC:207233

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35298 of 2026

Pankaj Singh

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite Party(s)

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

Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Heard Sri Sudhir Kumar Singh, learned counsel for the applicant and Sri Imran Khan, learned AGA for the State.

2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 161 of 2026, under Sections 103(1), 3(5) BNS, Police Station Atrauliya, District Azamgarh during pendency of the trial.

3. Learned counsel for the applicant submits, however, applicant is husband of the deceased and as per allegation he along with his family members committed the murder of the deceased but entire allegation leveled against applicant is totally false.

4. He further submits, actually on the date of incident some scuffling was going on between applicant and his wife and accidentally she fell from the roof and died and a specific averment in this regard has been made in paragraph-12 of the affidavit filed in support of instant bail application.

5. He further submits, applicant is innocent and he never committed the alleged offence and as his wife accidentally died therefore applicant is the real victim.

6. He further submits, applicant is not having any criminal history and in the present matter he is in jail since 03.05.2026.

7. Per contra, learned AGA opposed the prayer for bail and submits, applicant is husband of the deceased and his wife died in her matrimonial home. Learned AGA further submits, even post mortem report suggests that

deceased sustained as many as four injuries and out of four injuries two injuries were on his occipital region, therefore, prima facie it appears to be a case of homicidal death.

8. Learned AGA further submits, considering the post mortem report of the deceased, the defence taken by the applicant prima facie appears to be false and incorrect. He further submits, even in the present matter applicant is in jail only since 03.05.2026.

9. Learned AGA further submits, therefore, considering the facts of the case, the instant bail application may be dismissed.

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

11. Applicant is husband of the deceased and according to the prosecution he due to non fulfillment of demand of dowry used to torture her along with his family members and ultimately on the date of incident he along with others committed her murder, therefore, allegations leveled against applicant are very serious.

12. Further, post mortem report suggests that deceased sustained as many as four injuries out of which two injuries were on her occipital region and she died due to head injury.

13. Further, however applicant in paragraph-12 of the affidavit made an averment that deceased accidentally fell from the roof and died but considering the post mortem report of the deceased prima facie defence taken by the applicant does not appear to be correct as from the post mortem report it could not be reflected, except the injuries noted by the autopsy surgeon as ante mortem injuries deceased sustained either any other injuries or her bones were found fractured.

14. Further, even in the entire bail application, the height of the roof has not been disclosed.

15. Considering the overall facts and circumstances of the case, prima facie it cannot be said that applicant is innocent and at this stage there is no occasion for this Court to disbelieve the version of the FIR and allegations leveled by the family members of the deceased.

16. Further, even in the present matter applicant is in jail only since 03.05.2026.

17. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is not entitled to be released on bail.

18. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **rejected**.

19. 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.

October 5, 2026
AK Pandey

(Sameer Jain,J.)

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