HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 40223 of 2025

Geeta Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Pramod Patel, Shiv Shankar Shukla
Counsel for Opposite Party(s) : Bharti Mishra, G.A.

Court No. - 67

HON'BLE JITENDRA KUMAR SINHA, J.

1. Heard Sri Pramod Patel, learned counsel for the applicant, Ms. Bharti Mishra, learned counsel for the first informant, Sri B.P. Maurya, learned AGA for the State-respondents and perused the record.

2. The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, has been filed on behalf of applicant with a prayer to release her on bail in Case Crime No. 167 of 2025 under Section 105 BNS registered at Police Station Barsathi, District Jaunpur during pendency of the trial.

3. It has been argued by learned counsel for the applicant that applicant is wife of the deceased and some quarrel is said to have taken place between them as a result of which, the deceased is said to have received injuries on his mid occipittal region and he succumbed to the said injuries. It is next submitted that no weapon of offence has been assigned to the applicant and from the facts and circumstances of the case, intention to cause death cannot be gathered. It is further submitted that applicant, who has no criminal history, has been languishing in jail since 26.8.2025 and the trial is not likely to conclude in near future. It is also submitted that the applicant undertakes that she will not misuse the liberty, if granted.

5. On the other hand, learned A.G.A. as well as learned counsel for the first informant opposed the prayer for grant of bail to the applicant and submit that applicant is wife of the deceased and some quarrel is said to have taken place between them and the deceased died in the said quarrel. It is further

submitted that as per postmortem report of the deceased, fracture has been found in his mid occipittal region.

6. As per the FIR, some quarrel is said to have taken place between the applicant and her husband as a result of which, her husband died. P ostmortem report of the deceased shows fracture in his mid occipittal region. No weapon has been assigned to the applicant and it is submitted that from the facts and circumstances of the case, intention to cause death cannot be gathered. Applicant, who has no criminal history, has been languishing in jail since 26.8.2025 and the trial is not likely to conclude in near future.

7. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of ***Kapil Wadhawan vs Central Bureau of Investigation*** reported in ***2025 SCC OnLine SC 3038*** as well as guideline of this Court in the case of ***Maya Tiwari Vs. State of U.P.*** reported in ***2024 SCC Online All 6765*** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

8. Let the applicant **Geeta Devi** involved in the aforementioned crime be released on bail, on her furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

(i) The applicant shall not directly or indirectly make any 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 to any police officer or tamper with the evidence.

(ii) The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

(iv) The applicant shall attend in accordance with the conditions of the bond

executed by her.

9. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

10. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal within 24 hours in compliance of the order of the Apex Court in the case of ***Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021*** decided on 31.01.2023 reported in ***(2024) 10 SCC 685.***

(Jitendra Kumar Sinha,J.)

October 23, 2026
Madhurima

Digitally signed by :-
MADHURIMA GARG
High Court of Judicature at Allahabad