HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38020 of 2026

Jitendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Copy of the marriage invitation card evidencing the marriage of the applicant with the deceased, produced by Sri Shashank Shekhar Pandey, learned A.G.A. for the State, is taken on record.

2. Heard learned counsel for the applicant and learned A.G.A. for the State. Perused the material available on record.

3. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 111 of 2026, under Sections 80(2), 85 B.N.S. and Section 3/4 of Dowry Prohibition Act, Police Station- Trans Yamuna, District Agra, during the pendency of the trial.

4. Counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. The applicant is in jail since 26.3.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

5. Per contra, learned AGA for the State has opposed the prayer for bail. He submits that the applicant is the husband of the deceased, who died under unnatural circumstances within seven years of her marriage, thereby attracting the statutory presumption under Section 118 of Bhartiya Sakshya Adhiniyam, 2023. He further submits that there are specific allegations of dowry demand and cruelty soon before death and that the offence is grave in nature.

6. Having heard learned counsel for the applicant and learned A.G.A. for the State and upon perusal of record, this Court finds *prima facie*, that the wife

of the applicant died at her matrimonial home under unnatural circumstances within seven years of her marriage. There are allegations that the applicant subjected the deceased to cruelty and harassment in connection with demand of dowry, thereby attracting the statutory presumption under 118 of Bhartiya Sakshya Adhiniyam, 2023. The postmortem report indicates the cause of death was asphyxia as a result of antemortem hanging.

7. Considering the gravity and nature of the accusation and the statutory presumption, in my opinion this is not a fit case for grant of bail.

8. Accordingly, the bail application is rejected.

9. The trial court is directed to conclude the trial expeditiously.

10. It is made clear that the observations made in this order shall have no bearing on the merits of the case.

11. Office is directed to send a copy of this order to the court concerned for compliance.

November 2, 2026

Manish Kr

(Vivek Varma,J.)

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