2026:AHC:226595

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 37980 of 2026

Poonam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Rajendra Singh Yadav
Counsel for Opposite Party(s) : G.A., Om Prakash Shukla, Ramnandan

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Court No. - 65

HON'BLE SAMEER JAIN, J.

1. Sri Ramnandan Mishra, learned Advocate, submits that on 30.10.2026 he though filed his power on behalf of the informant in the office of this Court but his name could not be shown in the cause list.

2. Heard Sri Satish Kumar Shukla, learned Advocate, holding brief of Sri Rajendra Singh Yadav, learned counsel for the applicant, Sri Ramnandan Mishra, learned counsel for the informant and Sri Vijay Kumar, learned AGA-I, for the State.

3. The instant bail application has been filed on behalf of the applicant with the prayer to release her on bail in Session Case No.476 of 2026 arising out of Case Crime No.97 of 2026, under Sections 191(2), 191(3), 190, 333, 131, 115(2), 352, 351(3), 118(1), 109, 103(1) and 3(5) BNS, Police Station Kayamganj, District Farrukhabad during pendency of the trial.

4. Learned counsel for the applicant submits that applicant is named in the FIR along with as many as 12 others and according to the FIR on 9.4.2026 co-accused Jitendra, Pushpendra, Shani, Joni, Sunil, Suraj, Karan, Arjun, Shakuntala Devi and Sanjay Agarwal forcibly took their buffaloes and when informant and others tried to restrain them then they threatened them and thereafter due to above enmity on 12.4.2026 at about 9.00 AM in the morning above persons along with others including the applicant came at the house of the informant and made assault and due to assault made by them one person died and one person sustained injuries but as far as allegation relating to assault is concerned, this allegation is

totally false.

5. He next argued that admittedly applicant did not participate in the previous incident dated 9.4.2026 and she is lady and there was absolutely no occasion for her to participate in the alleged incident of murder.

6. He further submits that actually applicant is wife of co-accused Shani and therefore she has also been made accused in the present matter along with others by assigning general role.

7. He further submits that applicant is not having any previous criminal history and in the present matter she is in jail since 13.4.2026 i.e., for the last more than six and half months.

8. Per contra, learned AGA as well as learned counsel for the informant opposed the prayer for bail and submitted that from the FIR and statement of injured Raj Kumar, it reflects that applicant also participated in the alleged commission of crime but they could not dispute the fact that in the earlier incident dated 9.4.2026 applicant was not involved and only general role has been assigned to all the accused, who were total 13 in number.

9. They also could not dispute the fact that applicant is wife of co-accused Shani and she is not having any criminal history and in the present matter she is in jail for the last more than six and half months.

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

11. However, applicant is named in the FIR along with 12 others and as per allegation due to assault made by accused persons one person died and one person sustained injuries and even injured also disclosed the name of the applicant in his statement recorded during investigation but only general role has been assigned to all the accused.

12. Further, it reflects incident occurred due to previous incident dated 9.4.2026 and in previous incident admittedly applicant did not participate.

13. Further, even applicant is lady and she is wife of co-accused Shani

and considering this fact the argument advanced by the learned counsel for the applicant that only due to this reason she has also been made accused in the present matter, cannot be ruled out at this stage.

14. Further, applicant is not having any previous criminal history and in the present matter she is in jail since 13.4.2026, i.e., for the last more than six and half months.

15. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.

16. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

17. Let the applicant-**Poonam** be released on bail in the aforesaid case on 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 appear before the trial court on the dates fixed, unless her personal presence is exempted.

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

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

18. 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 applicant.

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.

(Sameer Jain,J.)

November 2, 2026/SKM

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