HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 38396 of 2026

Shiv Prasad And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Saurabh Pandey
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Saurabh Pandey, learned counsel for the applicants, Sri Himanshu Kumar, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicants on bail in Case Crime No. 49 of 2026, under Sections 85, 80(2) B.N.S., and Section 3/4 Dowry Prohibition Act, Police Station-Manchi, District-Sonbhadra, during the pendency of the trial.

3. Contention of learned counsel for the applicants is that the applicants are the father-in-law and mother-in-law of the deceased, who committed suicide by hanging herself after a petty dispute over household issues. The applicants have been falsely implicated merely being the father-in-law and mother-in-law of the deceased, though there is no sufficient material against them to show that they harassed the deceased for non-fulfillment of demand of dowry prior to her death. The applicants have been falsely implicated by making general and vague allegations along with other family members. It is further submitted that for invoking presumption of dowry death in case of death under unnatural circumstances within seven years of marriage, there must be sufficient material to show that the deceased was subjected to cruelty soon before her death, but there is no such material.

4. It is lastly submitted that charge-sheet has been filed by the police, therefore, there is no requirement for custodial interrogation. The applicants have no criminal history and they are languishing in jail since

31.07.2026. In case, they are granted bail, they will not misuse the liberty of bail and would cooperate in the trial proceedings.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties and taking into account the fact that the applicants are the father-in-law and mother-in-law of the deceased 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., 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 applicants are entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicants- **Shiv Prasad and Smt. Durgawati,** involved in the aforementioned crime be released on bail, on their 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 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 applicants shall cooperate in the trial/investigation sincerely without seeking any adjournment.

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

iv. The applicants shall attend in accordance with the conditions of the bond executed by them.

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

9. Identity, status and residence proof of the applicants and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicants as well as sureties should be verified by the court concerned.

11. It is made clear that the applicants shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

12. 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 applicants.

13. Office is directed to send a copy of this order to the applicants through **Jail Superintendent, Sonbhadra** via e-mail or on e-prison portal and Trial Court via e-mode 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** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another, in Writ Petition (Criminal) No. 169 of 2025,** decided on **29.05.2026.**

14. Application, if any, stands **disposed of**.

(Arun Kumar Singh Deshwal,J.)

October 28, 2026
SA

Digitally signed by :-
SALMAN ALI
High Court of Judicature at Allahabad