2026:AHC:230669

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39756 of 2026

Yadvendra Prasad @ Yadvendra Kumar Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

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

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant, Sri N.K. Sharma, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 90 of 2026, under Sections 80(2), 85 B.N.S., and Section 3/4 of Dowry Prohibition Act, Police Station- Utraon, District- Ganga Nagar (Commissionerate) Prayagraj during pendency of the trial.

3. Counsel for the applicant submits that the applicant is the husband of the deceased and has been falsely implicated in the present case. As per the postmortem report, cause of death is *asphyxia due to antemortem hanging*. The applicant neither demanded any dowry from the family members of the deceased nor subjected the deceased to cruelty in connection with any such demand. The wife of the applicant had committed suicide. It is next contended that during the course of trial, the informant-father of the deceased and the mother of the deceased were examined as PW-1 and PW-2 respectively. Both the prosecution witnesses have not supported the prosecution case and have been declared hostile by the trial court vide orders dated 12.10.2026 and 22.10.2026. The testimonies of the aforesaid witnesses are annexed as Annexure Nos. 6 and 7 to the bail application. The applicant is in jail since 15.5.2026 having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.

4. Learned A.G.A. for the State opposed the prayer for bail but could not

satisfactorily dispute the aforesaid submissions from the record.

5. Having heard counsel for the parties and having perused the record, this Court prima facie finds that as per the postmortem report, cause of death is *asphyxia due to antemortem hanging*. During the course of trial, the informant-father of the deceased and the mother of the deceased were examined as PW-1 and PW-2 respectively. Both the prosecution witnesses have not supported the prosecution case and have been declared hostile by the trial court. The applicant has no criminal antecedents. Further the applicant has presently remained confined for more than five months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant, Yadvendra Prasad @ Yadvendra Kumar Yadav involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

i. the applicant shall not tamper with the prosecution evidence;

ii. the applicant shall not pressurize the prosecution witness;

iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Vivek Varma,J.)

November 5, 2026
S.S.

Digitally signed by :-
SIDDHARTH SRIVASTAVA
High Court of Judicature at Allahabad