2026:AHC:231882

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 39736 of 2026

Kumari Devi @ Kunwari Devi

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 64

HON'BLE VIVEK VARMA, J.

1. Heard learned counsel for the applicant and Sri V.P. Tripathi, learned A.G.A. for the State-opposite party.

2. The present bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 522 of 2026, under Sections 191(2), 191(3), 131, 115(2), 105 B.N.S., Police Station Powayan, District Shahjahanpur during the pendency of the trial.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case. As per the allegations contained in the first information report, co-accused Munendra and Kamal are alleged to have assaulted the informant's father by lathi, danda and iron rod. As per the postmortem report, the deceased has sustained a single injury on the head region. In the opinion of the doctor, the cause of the death is coma. Further, as per the statement of the witness namely Priyanshu, the co-accused Munendra is alleged to have caused injury on the head of the deceased. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injury on the head of the deceased. The applicant is in jail since 01.09.2026 having no criminal history and if she is released on bail, she will not misuse the said liberty.

4. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having heard learned counsel for the parties and after perusal of the

record, this Court prima facie finds that as per the postmortem report, the deceased has sustained a single injury on the head region. In the opinion of the doctor, the cause of the death is coma. As per the statement of the witness namely Priyanshu, the co-accused Munendra is alleged to have caused injury on the head of the deceased. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injury on the head of the deceased. The applicant has no criminal antecedents. Moreover, the applicant is a lady and has remained confined for more than two months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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 delay the trial or intimidate the witness, therefore, 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- Kumari Devi alias Kunwari Devi, involved in the aforesaid case, be released on bail on her furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that she:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence; and,

(iii) shall not pressurize the prosecution witnesses.

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.

November 5, 2026
SKT/-

(Vivek Varma,J.)

Digitally signed by :-
SHIVA KANT TIWARI
High Court of Judicature at Allahabad