



2026:AHC:56547

**HIGH COURT OF JUDICATURE AT ALLAHABAD**  
**CRIMINAL MISC. BAIL APPLICATION No. - 15235 of 2025**

Deepchand

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite  
Party(s)

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Counsel for Applicant(s) : Abhinav Kumar Bhargava, Rakesh  
Yadav, Sandeep Kumar Dubey  
Counsel for Opposite Party(s) : G.A.

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**Court No. - 66**  
(Sl. No. 40 out of 116)

**HON'BLE KRISHAN PAHAL, J.**

1. List has been revised.
2. Heard Sri Sandeep Kumar Dubey, Sri Abhinav Kumar Bhargava and Sri Rakesh Yadav, learned counsels for the applicant, Sri R.P. Patel, learned State Law Officer and perused the material placed on record.
3. Applicant seeks bail in Case Crime No. 688 of 2024, under Sections 103(1), 351(3) BNS, Police Station Khorabar, District Gorakhpur, during the pendency of trial.
4. Learned counsel for the applicant has argued that the applicant is absolutely innocent and has been falsely implicated in the present case. The allegations against the applicant are false. The FIR is delayed by about two days and there is no explanation of the said delay caused.
5. Learned counsel for the applicant has further argued that applicant was present at the time of the inquest proceedings. The deceased has committed suicide. The truth is that the FIR u/s 64, 351(3) BNS and 3/4 POCSO Act was instituted against the deceased, which was registered as FIR No. 660 of 2024. The said FIR was instituted about 15 days before the incident. The deceased was drunkard and out of depression of the said FIR being instituted against him, he had committed suicide.
6. Learned counsel has further stated that it is true that the cause of death was asphyxia as a result of anti-mortem strangulation but the hyoid bone

was found intact. Normally in case of strangulation, hyoid bone is found fractured. There being no fracture observed by the doctor conducting the autopsy, as such, the applicant is entitled for bail.

7. Learned counsel has next stated that there is no criminal history of the applicant. The applicant is languishing in jail since 4.12.2024, as such, more than one year and three months have passed since his incarceration. In case, the applicant is released on bail, he will not misuse the liberty of bail.

8. Learned State Law Officer has vehemently opposed the bail application on the ground that there are two independent witnesses namely, Sushila and Sumit Sahni, who had heard the noises coming out from the house of the applicant and the deceased. The deceased has expired within the precincts of the house of the applicant and the onus lies on the applicant to explain the circumstances of his death. The cause of death is asphyxia as a result of anti-mortem strangulation, as such, the applicant is not entitled for bail.

9. This Court had called for the status of trial. The status report dated 13.3.2026 indicates that not a single witness has been examined to date.

10. Considering the facts and circumstances of the case, submissions made by learned counsel for the parties, the evidence on record, taking into consideration the discrepancy, as in the post-mortem report, the hyoid bone being found intact and the fact that not a single witness has been examined by the trial court, and without expressing any opinion on the merits of the case, prima-facie the Court is of the view that the applicant has made out a case for bail. The bail application is *allowed*.

11. Let the applicant- **Deepchand** who is involved in aforementioned case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions. Further, before issuing the release order, the sureties be verified.

(i) The applicant shall not tamper with evidence during trial.

(ii) The applicant shall not pressurise/intimidate with the prosecution witnesses.

(iii) The applicant shall appear before the trial court on the date fixed.

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

13. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

**March 19, 2026**  
Shalini

**(Krishan Pahal,J.)**