2026:AHC:187464

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 27877 of 2026

Shiv Kumar And 2 Others

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Kuldeep Kumar
Counsel for Opposite Party(s)	:	G.A., Jagdish Sharan Tomar

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Heard learned counsel for the applicants, learned counsel for the informant, learned AGA for the State-respondent and perused the record.

The instant application has been filed seeking release of the applicant on bail in Case Crime No. 156 of 2026, under Sections 318(4), 351(3), 352, 191(2), 336(3), 338, 340(2) BNS, Police Station Chola, District Bulandshahr, during the pendency of trial.

It is argued by the learned counsel for the applicants that applicants are innocent and have been falsely implicated in the present case due to ulterior motive. It is submitted that applicants are neither previous convict nor any criminal case is pending against them except the present case. Applicants are neither prepared any forged documents nor had any knowledge the earlier sale deed which has been executed by their father. At this stage, learned counsel for the applicants has drawn the attention of the Court to paras '3' and '4' of the supplementary affidavit dated 1.9.2026 filed on behalf of the applicants to submit that deponent is the wife of the applicant no. 1 and is doing pairvi on behalf of the applicant nos. 2 and 3 also. In para '3' and '4' of the supplementary affidavit, it is specifically mentioned that the deponent is ready for return the sale deed amount of Rs. 7,05,000/- to the informant within one month after release the applicants on bail. The applicants are languishing in jail since 03.07.2026 and in case they are released on bail, they will not misuse the liberty of bail.

Per contra, learned AGA, however, opposed the prayer for bail, but could not dispute the above facts.

Keeping in view the nature of the offence, evidence, complicity of the accused, severity of the punishment, and submissions of learned counsel for the parties, this Court is of the view that the applicants are entitled to be enlarged on bail during the pendency of the trial. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

Let the **applicants-Shiv Kumar, Rahul Kumar and Satya Prakash** 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 applicants shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicants shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

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

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 applicants.

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.

(Jai Prakash Tiwari,J.)

September 8, 2026
Brijesh

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