



2026:AHC:186515

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. BAIL APPLICATION No. - 31894 of 2025

Umakant Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	: Ajay Singh Yadav, Devbratt Yadav, Dinesh Kumar, Rajrshi Gupta, Ram Pratap Yadav
Counsel for Opposite Party(s)	: G.A.

Reserved on 20.8.2026
Delivered on 8.9.2026

Court No. - 55

HON'BLE VIKRAM D. CHAUHAN, J.

1. Heard Sri Dileep Kumar, learned Senior Advocate assisted by Sri R.P. Yadav and Sri Ajay Singh Yadav, learned counsel for the applicant and Sri Manish Goyal, learned Additional Advocate General assisted by Sri Rupak Chaubey, learned A.G.A. for the State.

2. The present is second bail application filed by Applicant - Umakant Yadav, under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS, 2023), seeking release on bail in Criminal Case No. 2329 of 2018 (State Vs. Umakant), arising out of Crime No. 2079 of 2017, under Sections 419, 420, 467, 468, 471 and 120B of Indian Penal Code, 1860, registered at Police Station - Line Bazar, District – Jaunpur pending before the court of Special Judge (M.P. and M.L.A.), Jaunpur.

3. The first bail application of Applicant was dismissed as withdrawn by order dated 21.2.2023 passed in Criminal Misc. Bail Application No. 17274 of 2020 (Umakant Yadav Vs. State of U.P). and as such there was no consideration by this Court on the merit of first bail application.

4. The prosecution case is based on an alleged sale deed dated 24.12.1975 and subsequent mutation proceedings. The First Information Report dated 20.09.2017 was lodged by one Sanjeev Kumar Jaiswal (informant). The allegations concern is of land in Village-Natauli, District - Jaunpur. The applicant claims title to land in dispute based on a sale deed dated 24.12.1975 from original tenure holder, Ram Lakhan Sahu. The informant is subsequent purchaser of the land in dispute. The village in question was brought under consolidation operation and during consolidation operations, an objection was filed by applicant under Section 9-A(2) of U.P. Consolidation of Holdings Act, and the Consolidation Officer allowed the objection, recording the applicant's name over the plots in question on 26.10.1994.

5. It is alleged that the forged entry of order dated 26.10.1994 of Consolidation Officer was made in CH-23 (records of consolidation proceedings) in respect of Gata Nos. 525 and 534 (land in dispute) of abovementioned village. Based on abovementioned entry an application was preferred by applicant before Consolidation Officer, Shahganj. Despite there being no entry in CH-23, the Chakabandi Karta submitted report dated 31.5.2016 and on the same day Assistant Consolidation Officer forwarded the same to Consolidation Officer and further on 31.8.2016 mutation order was passed by Consolidation Officer. The certified copy of CH-23 part 1 was issued by the record room on 7.12.2015 in which the order dated 26.10.1994 in respect of Chak Nos. 534 and 525 is not entered in CH-23. The notification under Section 52 of U. P. Consolidation of Holdings Act was published on 11.1.1992. The Chakbandi Basta was deposited after consolidation operation on 15.2.1991 in the record room. Further, in Chakabandi Basta there is no

Parwana issued in respect of entry dated 26.10.1994. The order and case file of Consolidation Officer is not available.

6. The informant, who is a subsequent purchaser of the property in dispute, filed revisions before Deputy Director of Consolidation. The Deputy Director of Consolidation allowed the revisions ex-parte and set aside the Consolidation Officer's order. The applicant's restoration applications were rejected. The applicant has challenged the orders of the Deputy Director of Consolidation before this Court in Civil Misc. Writ Petition No. 55681 of 2017 and the said writ petition is pending before this Court. The FIR was lodged after the dismissal of restoration applications of the applicant on 14.8.2017.

7. Learned Senior Counsel appearing on behalf of applicant submits that present bail application is second bail application filed by the applicant for grant of bail in Criminal Case No. 2329 of 2018 (State Vs. Umakant), arising out of Case Crime No. 2079 of 2017, under Sections 419, 420, 467, 468, 471 and 120B of Indian Penal Code, 1860, registered at Police Station - Line Bazar, District – Jaunpur. The first bail application i.e. Criminal Misc. Bail Application No.17274 of 2020 was dismissed as withdrawn by order dated 21.2.2023.

8. Learned Senior Counsel appearing for applicant further submits that in present case first information report was lodged on 20.9.2017 by one Sanjay Kumar Jaiswal (informant) under Sections 419, 420, 467, 468 of I.P.C. The dispute arises on account of an unregistered sale deed dated 24.12.1975 in respect of disputed land. Subsequently, the village was brought under consolidation proceedings in terms of U.P. Consolidation of Holdings Act and at the stage of Section 9A(2) read with Section 12 of the Consolidation Act objections were preferred by the applicant on 17.1.1990 for mutation of the name. The previous owner of land in dispute filed its reply on 11.5.1990 admitting the claim of applicant. The objections were allowed on 26.10.1994. The proceedings under Section 52 of the Consolidation Act was notified in the year 1992.

9. It is further submitted by learned Senior Counsel appearing for the applicant that in pursuance to order dated 26.10.1994 under Rule 109A of the U.P. Consolidation of Holdings Rules, on 31.8.2016 mutation order was passed in favour of applicant. The informant filed two revisions, which were allowed ex-parte by order dated 26.12.2016 holding that order dated 26.10.1994 is forged. A restoration application was filed by applicant before revisional court. However, the same was rejected by order dated 14.8.2017. Against the aforesaid order dated 14.8.2017, the applicant has filed Civil Misc. Writ Petition No.55681 of 2017, which is pending before this Court.

10. Learned Senior Counsel appearing for the applicant further submits that Criminal Misc. Writ Petition No.28557 of 2017 was preferred by the applicant which was disposed of with the direction that no coercive measure shall be taken against the applicant till submission of police report under Section 173(2) Cr.P.C. Subsequently, charge sheet has been submitted against the applicant on 17.12.2018 and the cognizance and summoning order has been passed on the aforesaid date. Against the aforesaid, the applicant had filed Application U/s 482 Cr.P.C. No.25175 of 2019. However, the same has been disposed of. The applicant is aged about 73 years. In the criminal prosecution, a supplementary charge sheet has been filed against the employees i.e. Kamata Prasad, Consolidation Officer and Lalsa Ram, Chakbandi Karta. The aforesaid co-accused Kamata Prasad has challenged the criminal proceedings by filing Criminal Revision No.3204 of 2023 in which interim order has been granted by this Court.

11. Learned Senior Counsel for applicant submits that criminal history has been explained by the applicant in paragraph 29 of the affidavit accompanying this application. In two cases, bail has been granted by this Court even after conviction. The applicant is aged about 73 years and is suffering from various ailments and after permission of this Court the applicant was admitted to Medanta Hospital, Lucknow. However, at present the applicant has been discharged from the hospital.

12. Considering the aforesaid aspect, learned Senior Counsel submits that the applicant is entitled to be enlarged on bail.

13. It is further submitted by learned Senior Counsel appearing for applicant that applicant is in jail since 12.3.2020 and more than six years the applicant is incarceration. The dispute in present case is purely of civil nature between the parties and the offence cannot be said to be made out against the applicant. Further, the dispute with regard to the validity of the order dated 26.10.1994 is already engaging attention of this Court in Writ-B No.55681 of 2017.

14. Sri Manish Goyal, learned Additional Advocate General while opposing the bail application submits that applicant has previous criminal history of 77 cases, which have been detailed in paragraph 26 of the counter affidavit filed by the State. The applicant has also been convicted in two cases i.e. Criminal Case No.3640 of 2007 arising out of Case Crime No.825 of 2006 and S.T. No.304 of 1995 arising out of Case Crime No.82 of 1995. However, in both the cases the applicant is on bail. Previously, the applicant has breached the condition of bail in Case Crime No.1 of 2000 and in this respect, has referred to the bail order dated 11.6.2020 passed in Bail Application No.025 of 2020.

15. Learned Additional Advocate General while referring to the report of Chief Revenue Officer, Jaunpur dated 19.10.2016 submits that the applicant was the beneficiary of mutation which the applicant got in the year 2016 by order dated 31.8.2016 and 12.9.2016. Even though, notification under Section 52 of U.P. Consolidation of Holdings Act was made on 11.1.1992 and, therefore, no mutation could have been granted after the notification under Section 52 of Consolidation Act. The order dated 26.10.1994 does not find place in CH-23 in the certified copy issued to the informant on 20.11.2015. However, the aforesaid entry is available in respect of the certified copy dated 27.7.2007. On the basis of interpolation in revenue records, the mutation of name of applicant has been made for which applicant is liable to be prosecuted. No parwana of mutation was ever given as per the report dated 19.10.2016.

16. It is also submitted by learned Additional Advocate General that although the applicant was the beneficiary of such an act, the two revenue officials of department have also been charge sheeted and summoned, namely, Kamata Prasad and Lalsa Ram. The aforesaid two officials have challenged the summoning order before this Court in Criminal Revision No.3204 of 2023 and Criminal Revision No.3206 of 2023 respectively, in which the proceedings have been stayed by this Court.

17. Learned Additional Advocate General has not disputed the fact that the proceedings of the trial court have been remain stayed since the passing of the order of this Court in favour of the other co-accused in the year 2023. However, learned Additional Advocate General submits that recently on application filed by applicant for separation of trial of applicant from other co-accused, the trial has now been separated. There are ten witnesses to charge sheet and till date no charge has been framed against the applicant.

18. Learned Additional Advocate General also submits that the applicant is the beneficiary of the non-existing record by which the name of applicant has been mutated in the revenue records. Therefore, the applicant is prosecuted along with other co-accused under Section 120-B I.P.C. also.

19. Learned Additional Advocate General while referring to paragraph no. 6 of the affidavit filed in support of the bail application submits that apart from Section 420 I.P.C., Section 467 I.P.C. would also be attracted in the facts and circumstances of the case.

20. Learned Additional Advocate General further submits that the applicant has a long criminal history and in view of the judgment and law laid down by Hon'ble Supreme Court in **Neeru Yadav Vs. State of Uttar Pradesh and another**, 2016 (15) SCC 422, **State of Orissa Vs. Mahimananda Mishra**, (2018) 10 SCC 516, **Arvind Rajak Vs. State of U.P.**, (2020) 110 ACC 591 and **Sudha Singh Vs. The State of Uttar**

Pradesh and another, 2021 (4) SCC 781, the bail application of the applicant is devoid of merit and is liable to be dismissed.

21. In rejoinder, Sri Dileep Kumar, learned Senior Counsel appearing on behalf of applicant argued that unregistered sale deed dated 24.12.1975 in favour of applicant by original tenure holder is the basis for claim of applicant in respect of the land in question. The aforesaid unregistered sale deed is referable to Section 164 of U.P.Z.A. & L.R. Act and in respect of mutation of name of applicant, the legal heir of original owner has also filed their reply to the objection filed by applicant in the consolidation proceedings. Thereafter, order was passed on 26.10.1994, which has been filed in Writ-B No.55681 of 2017. The dispute with regard to the land in question is already engaging in the aforesaid writ petition, which is still pending.

22. Learned Senior Counsel appearing for the applicant submits that the trial in the present case has been stalled on account of the interim order granted by this Court in Criminal Revision Nos.3204 of 2023 and 3206 of 2023 (filed by co-accused) and for last three years the applicant is languishing in jail without the trial being proceeded with.

23. It is further submitted by learned Senior Counsel appearing for the applicant that except three cases, in all other cases the applicant has either been enlarged on bail or has been acquitted as has been stated in the bail application. In two cases, conviction has been recorded against the applicant. However, applicant has been enlarged on bail in the aforesaid two cases. Even, in the Gangster Act, applicant has already been enlarged on bail by order dated 12.4.2022 passed in Criminal Misc. Bail Application No.53348 of 2021.

24. Learned Senior Counsel appearing for applicant lastly submits that although the objection of learned Additional Advocate General that the applicant has not complied with the conditions of previous bail order, the applicant has already been enlarged on bail by this Court by order dated 27.5.2020 passed in Criminal Misc. Bail Application No.12226 of 2020.

25. As per counter affidavit filed by State before this Court it is alleged that applicant in conspiracy with the Consolidation Officer has got entered forged entry in Akar Patra – 23 with respect to Chak Nos. 525 and 534 without any lawful authority. The aforesaid entry was made on the basis of forged order allegedly passed on 26.10.1994. The applicant is claiming ownership of the property in question on the basis of unregistered sale deed dated 24.12.1975 executed by the original tenure holder Shri Ram Lakhan Sahu. In the meantime, consolidation operation were initiated in the village in question and applicant filed objections before the Consolidation Officer, the original tenure holder Shri Ram Lakhan Sahu and Ram Tarak is said to have filed its reply on 11.5.1990 wherein the aforesaid original tenure holder has supported the claim of the applicant with regard to ownership of land on the basis of above mentioned unregistered sale deed. It is also alleged by applicant that Consolidation Officer allowed objections of applicant on 26.10.1994 and thereby directed the name of the applicant to be mutated over the land in question. The proceedings under Section 109-A of U.P. Consolidation of Holdings Rules were initiated by Applicant for mutation of name and subsequently on 31.8.2016 order was passed with regard to mutation of name of applicant on land in question. Subsequently, informant had filed two revisions before the Deputy Director of Consolidation which were allowed ex-parte by order dated 26.12.2016. The applicant thereafter preferred restoration application which were rejected by Deputy Director of Consolidation by order dated 14.8.2017. The aforesaid order dated 14.8.2017 and 26.12.2016 has been challenged by applicant in writ petition before this Court and the same is pending.

26. The applicant is being prosecuted under Section 419, 420, 467, 468, 471 and 120B of Indian Penal Code, 1860. The Applicant is in jail since 12.3.2020. The maximum punishment in the abovementioned are as under:-

- a) Section 419 of Indian Penal Code: Cheating by personation: for term extended upto three years or fine or both.
- b) Section 420 of Indian Penal Code : Cheating and dishonestly inducing delivery of property : for term extended upto seven years and fine.
- c) Section 467 of Indian Penal Code : Forgery of Valuable security or will : for term extended upto Life imprisonment or term upto 10 years and shall also liable for fine.
- d) Section 468 of Indian Penal Code : Forgery for purpose of Cheating : for term extended upto seven years and fine.
- e) Section 471 of Indian Penal Code : Using as genuine a forged document or electronic record : for term extended upto two years or fine or both.

27. It is to be seen that insofar as Section 419, 420, 468, 471 of I.P.C. are concerned, the applicant is in jail since 12.3.2020 (i.e about 6 years and 5 months). Except Section 467 of I.P.C. all other sections have sentence upto 7 years and applicant has already undergone incarceration up to 6 years and 5 months. Insofar as Section 467 of Indian Penal code is concerned it is to be seen that as per paragraph 7 of the counter affidavit filed by State it is alleged that the applicant in conspiracy with the then Consolidation Officer (Co-accused) got entered entry in Akar Patra-23 with respect to Chak Nos. 525 and 534 without any lawful authority. It is also alleged that said entry was made on the basis of forged order allegedly passed on 26.10.1994 in Case No. 239. Paragraph 7 of counter affidavit filed on behalf of State is quoted hereinbelow:-

“7. That the contents of paragraph no. 4, 5, 6, 7 and 8 of the affidavit are false hence denied. In reply thereto, it is submitted that applicant in conspiracy with the then Consolidation officer had got entered forged entry in Akar Patra-23 with respect to chak no. 525 & 534 without any lawful authority. The aforesaid entry was made on the basis of forged order allegedly passed on 26.10.1994 in case no. 239 u/s 42 of Consolidation of Holdings Act. In fact, land in question was purchased by first informant in the name of his wife and other from Ravi Sahu s/o Ram Tadak through registered sale deed dated 24.07.2015. It is relevant to note that consolidation proceeding came to an end and publication under section 52 CH Act was made on 11.01.1992,

therefore, there was no occasion for making entry in Akar Patra-23 Part-I with regard to chak nos. 525 and 534 in pursuance of alleged order dated 26.10.1994 and the alleged order passed by the Consolidation Officer dated 12.09.2016 as well as report of ACO dated 8.9.2016 were also illegally passed. An enquiry report of C.R.O. Jaunpur, copy of which has been annexed as Anx-3 to the affidavit filed in support of bail application, clarifies entire position and states about illegal act committed by the applicant and other co-accused persons. It is relevant to note that first informant was having a copy of Akar Partra-23, part-I issued on 27-11-2015 which was not having any entry with regard to name of applicant or alleged order dated 26.10.1994 passed by Consolidation Officer in case no. 239. In fact, applicant with aid of some Consolidation Officer has manipulated entire things and committed present crime.

During investigation of the present case, statement of first informant was recorded by the first informant on 4.10.2017 in which he has supported the prosecution version and he has clearly stated that by making forged entry in Akar Patra-23, applicant has got entered his name in place of Ramtadak. One co-owner of the land namely Sandeep Kumar has made an application on 2.10.2016 before the District Magistrate, upon which District Magistrate has directed C.R.O. concerned to conduct an enquiry and submit the same; and the said report also substantiate prosecution version. The order dated 26.10.1994 as well as subsequent order dated 31.8.2016 under rule 109 was absolutely illegal and the order dated 26.10.1994 was not in existence but the then C.O. has illegally made basis for passing subsequent order.

Later on, vide order dated 26.12.2016 Revisional Authority in Revision no. 04 has set aside earlier order dated 31.8.2016 which was passed under rule 109. The statement of another land owner Sandeep Kumar also substantiated this fact. Photo copy of statement of first informant namely Sanjeev Kumar Jaiswal and Sandeep Kumar are collectively filed herewith and marked as **Annexure CA-1** to this affidavit.

Investigating Officer has also perused relevant documents and noted down gist of aforesaid documents in case diary-4 dated 19.11.2017. Relevant portion of CD-4 dated 19.11.2017 is being filed herewith and marked as **Annexure CA-2** to this affidavit.

On 25.03.2018 (CD-8) I.O. again perused relevant documents including some applications as well as orders passed by DDC in revision nos. 3 & 4. Relevant portion of CD-8 dated

25.3.2018 is being filed herewith and marked as **Annexure CA-3** to this affidavit.

It is relevant to note that applicant has neither filed sale-deed allegedly executed in his favour nor has filed order dated 26.10.1994 allegedly passed by C.O. All these alleged documents are the basis of the claim made by the applicant to establish his right over the land but the same are missing which shows that version of applicant is absolutely false.”

28. Section 467 of Indian Penal code is quoted herein below:-

“467. Forgery of valuable security, will, etc.—Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.”

29. It is to be noted that the applicant is claiming title to property in question by unregistered sale deed dated 24.12.1975 and as per the allegations of prosecution it is alleged that forged entry has been made in the documents prepared during consolidation proceedings for the purpose of mutation of the name of applicant in the revenue record. The validity of unregistered sale deed is not the subject matter of allegation in the present criminal proceedings and the criminal proceedings are based on the forged entry in the documents prepared during consolidation proceedings. The disputed endorsement in CH-23 (consolidation record) only changes the entry of recorded owner in the base year khatauni. It is settled principal of law that mutation does not confer title. The title of applicant is based on sale deed dated 24.12.1975 and it is not shown on behalf of State that there is any challenge to abovementioned sale deed dated 24.12.1975.

30. It is to be seen that any document purporting to have been prepared during consolidation proceedings are not the document being valuable security or a will or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security and as such the aforesaid Section 467 of the Indian Penal Code may not be attracted in the facts and circumstances of the case. Even otherwise it is not the case of the prosecution that the applicant has himself forged the aforesaid entry in the official document prepared during consolidation. It is the prosecution case that in conspiracy with the Consolidation Officer/officials the forged entry has been made in the consolidation/government records. The government officials have been made co-accused in the criminal prosecution.

31. Learned Additional Advocate General has not disputed before this Court that revenue records could not have been accessed by applicant and the applicant has been implicated on the strength of Section 120 B of Indian Penal Code as it is the co-accused (who are government servant) who have done the mischief of interpolation in the revenue records. Learned Additional Advocate General has further not disputed that the records prepared under consolidation operations are always in custody of government officials and kept in the record room. No material has been shown by State that the applicant has in any manner accessed the consolidation records. Insofar as Section 120B of Indian Penal Code is concerned, according to learned Additional Advocate General, the applicant is the beneficiary of aforesaid forged entry and as such the applicant is also involved in criminal conspiracy along with co-accused (who are government servants). The learned Additional Advocate General has not relied upon any material particulars to indicate that there was any agreement between the applicant and co-accused with regard to committing forgery in the government records. Learned Additional

Advocate General has further relied upon the report dated 19.10.2016 of Chief Revenue Officer, Jaunpur to submit that mutation of disputed property in question has taken place in favour of applicant after the closure of consolidation proceedings and the notification under section 52 of Uttar Pradesh Consolidation of Holdings Act, 1952. In this reference the relevant paragraph of the aforesaid report dated 19.10.2016 is quoted hereinbelow:-

“इस प्रकार उक्त विस्तृत जांच से यह निष्कर्ष निकलता है कि धारा-42 में पारित आदेश दिनांक 31.08.2016 क्षेत्राधिकार से बाहर मनमाने ढंग से पारित किया गया है जिसका नियम-109 के अंतर्गत जारी परवाना दिनांक 12.09.2016 भी त्रुटिपूर्ण है, क्योंकि स०च०अ० की आख्या नियम-109 दिनांक 08.09.2016 में स्पष्ट रूप से लिखा गया है कि आकार पत्र 45 के खाता संख्या- 491 में अंकित नई गाटा संख्या-14/7.03, 15/0.76 से रामताड़क पुत्र रामलखन निवासी कस्बा शाहगंज व आकार पत्र 45 के खाता संख्या-500 में अंकित नई गाटा संख्या- 11/0.25, 13/0.15 से रामताड़क पुत्र रामलखन निवासी कस्बा शाहगंज का नाम खारिज करके उमाकान्त पुत्र श्रीपति निवासी चकगजनीशाह शेरांवा परगना माहुल, तहसील-फूलपुर, जिला आजमगढ़ का नाम सहखातेदार दर्ज होना चाहिए इसी आख्या को च०अ० ने दिनांक 12.09.2016 को स्वीकृत किया है और तदनुसार जारी परवाना दिनांक 12.09.2016 में सहखातेदार शब्द का उल्लेख नहीं किया गया है। यहां यह भी उल्लेखनीय है कि आकार पत्र 45 के खाता संख्या-500 में अंकित गाटा संख्या- 11 व 13 जो चक संख्या 534 से बना है इस खाते में रामताड़क पुत्र रामलखन का नाम अंकित ही नहीं है। जब खाते में नाम अंकित ही नहीं है तो इस आधार पर जारी परवाना त्रुटिपूर्ण व नियम विरुद्ध है।

प्रकरण की विस्तृत जांच से स्पष्ट है कि जब च०अ० की मूल वाद पत्रावली उपलब्ध नहीं है और चक संख्या-534 के संबंध में धारा-42 के प्रार्थना पत्र के साथ दी नकल अभिलेखागार से जारी ही नहीं है तथा शिकायतकर्ता द्वारा दिये गये चक संख्या-534 की प्रतिलिपि में अमलदरामद का उल्लेख नहीं है और चकबंदी बस्ता दिनांक 15.02.1991 को राजस्व अभिलेखागार में जमा हो गया तथा ग्राम का धारा-52 दिनांक 11.01.1992 को हो गया तो इसके उपरांत धारा-42 के अंतर्गत प्रदत्त आदेश पारित करके और नियम-109 के अंतर्गत त्रुटिपूर्ण परवाना जारी करके तहसील के अभिलेखों में अमलदरामद कराये जाने के लिए चकबंदीकर्ता, सहायक चकबंदी अधिकारी व चकबंदी अधिकारी, शाहगंज पूर्ण रूपेण दोषी है। जिन्होंने जानबूझकर नियमों की अनदेखी करते हुये अवैधानिक कार्य किये हैं वह सम्पूर्ण कार्यवाही धारा-52 प्रकाशन हो जाने की तिथि 11.01.1992 के बाद 31.08.2016 / 12.09.2016 को लगभग 24 वर्ष बाद की गई है जिसके लिए उपरोक्त कर्मचारी / अधिकारी पूर्णरूपेण दोषी है। अतः संबंधित के विरुद्ध अनुशासनिक कार्यवाही करने हेतु जांच आख्या मूल रूप से प्रेषित है।”

32. It is further to be seen that prosecution/State has not brought before this Court any material particulars regarding the date and manner of agreement between the applicant and the other co-accused person in terms of Section 120-A of Indian Penal Code. It is not the case of State that forged entry in consolidation records have been made in the handwriting of applicant [in the absence of material particulars with regard to criminal conspiracy of applicant]. The applicant being

beneficiary of aforesaid disputed entry in the consolidation record is being suspected to have been involved in the criminal conspiracy. It is a settled law that mere suspicion cannot be a foundation for criminal prosecution unless the material facts, particulars and evidence are shown and established. In view of aforesaid, the provisions of Section 467 of Indian Penal Code read with Section 120-B of Indian Penal Code may not be attracted in the facts and circumstances of the case against applicant.

33. It is to be seen that in respect of other offences (other than Section 467 of Indian Penal Code) the applicant is already in jail for about 6 years and 5 months whereas for such other offences (other than Section 467 of Indian Penal Code), the maximum punishment provided is seven years and therefore any further detention of applicant (considering the period of incarceration) would amount to punishment without trial and the same would be violative of Article 21 of Constitution.

34. Under Article 21 of the Constitution, no person may be deprived of life or personal liberty except by a procedure established by law. It is settled law that that Article 21 of the Constitution requires that procedure to be fair, just and reasonable-not arbitrary, fanciful, or oppressive. "Punishment without trial" means the State imposes a penal consequence on a person—such as imprisonment, fine, forfeiture, stigma, or another coercive deprivation—without first determining guilt through a legally valid and fair adjudicatory process. In constitutional terms, it is generally incompatible with the rule of law. In view of above period of incarceration of applicant any further detention of applicant would amount to punishment without trial in the facts and circumstances of case.

35. As per learned Senior Counsel appearing for applicant, the dispute with regard to title to property in question and subsequent mutation entry is pending consideration before this Court in Civil Misc. Writ Petition No. 55681 of 2017 before coordinate Bench of this Court in civil jurisdiction. The applicant is claiming title to the property in question based on a registered sale deed dated 24.12.1975 executed by the original tenure holder. During consolidation proceedings, the applicant filed objections

on 17.1.1990 before the Consolidation Officer. A written reply to aforesaid objection was submitted by the original tenure holder on 11.5.1990 and thereafter Consolidation Officer has passed order dated 26.10.1994 incorporating the name of applicant in the consolidation records. The order dated 26.10.1994 as per Additional Advocate General appearing for State is not part of record of consolidation. The publication under Section 52 of the Consolidation of Holdings Act was notified on 11.1.1992. As per applicant, the Consolidation Officer in pursuance to above-mentioned order dated 26.10.1994 initiated proceedings for implementation of above-mentioned order and by order dated 31.8.2016 directed mutation of the name of applicant. The above-mentioned order dated 31.8.2016 was subject matter of revision by informant before Deputy Director of Consolidation. The two revisions were decided ex-parte by revisional court by order dated 26.12.2016 against applicant. The applicant thereafter preferred restoration application before revisional court and same was rejected by order dated 14.8.2017. The petitioner thereafter has preferred Civil Misc. Writ Petition No. 55681 of 2017 (Umakant Vs. District Deputy Director of Consolidation and others) before this Court and same is pending consideration before coordinate Bench of this Court.

36. It is not in dispute between parties that validity of mutation order by Consolidation Officer tested by revisional court and an ex-parte order dated 26.12.2016 passed in favour of informant. Even the restoration application has been rejected by the revisional court. The order dated 26.12. 2016 and 14.8.2017 are subject matter of challenge in the above-mentioned writ petition before this Court in civil jurisdiction and the same is pending. Since the determination by revenue court in consolidation proceedings are subject matter of challenge before this Court and therefore at this stage no findings can be recorded in the determination of the bail application of the applicant. However, since the matter is already sub-judice before this Court in civil proceedings, therefore, the aforesaid issue will have important bearing on allegations in present criminal prosecution. It is to be seen that as per prosecution case applicant has relied upon the judgement dated 26.10.1994 of Consolidation Officer for the purpose of

mutation of his name in the record after the closure of consolidation proceedings. The name has been mutated in favour of the applicant on the strength of the order dated 31.8.2016. Learned Additional Advocate General has not disputed before this Court that the interpolation in the consolidation records could have only be made by the officials in charge of the records and further could not demonstrate from prosecution evidence that applicant was in any manner directly involved in interpolation of the records although learned Additional Advocate General has stated that applicant is beneficiary of such an act. It is further to be seen that at the best the applicant can be said to be prosecuted for using as genuine a forged document under Section 471 of Indian Penal Code. It is further to be noted that the applicant is not being proceeded under Section 466 of Indian Penal Code and therefore the punishment under Section 471 of the Indian Penal Code will be in the same manner as if the applicant had forged such document in terms of Section 465 of Indian Penal Code where the maximum punishment is two years. The applicant is already in jail for more that 6 years and 5 months.

37. It is not in dispute between the parties that the revenue officials have also been charge sheeted in criminal prosecution, however, on the strength of order dated 4.7.2023 passed in Criminal Revision No. 3204 of 2023 (Kamata Prasad Vs. State of U.P. and Another) and order dated 4.7.2023 passed in Criminal Revision No. 3206 of 2023 (Lalsa Ram Vs. State of U.P. and Another), the proceedings of trial court are held up and trial has not proceeded with. It is also not in dispute between the parties that the above mentioned two criminal revisions are pending before this Court. The perusal of order-sheet of trial court would go to show that since 10.7.2023 the trial court is adjourning the trial proceedings on account of above-mentioned orders dated 4.7.2023 passed by this Court in the above-mentioned two criminal revisions. Almost 30 dates have been fixed before the trial court, however, the case has been adjourned and the trial has not proceeded. It is also not disputed that till date even the charge has not been framed against the applicant by the trial court despite the fact that the applicant is in jail since 12.3.2020 coupled with the fact that there exist no

stay order in respect of trial of applicant by any court of law. The result of above-mentioned order dated 4.7.2023 passed by this Court in the above-mentioned two criminal revisions (preferred by co-accused) is that the applicant is in jail since 12.3.2020 and the trial has not till date commenced.

38. It is settled law that speedy trial is an essential ingredient of Article 21 of Constitution and accused also has a right to speedy trial. The whole purpose of speedy trial is intended to avoid oppression and prevent delay. It is a sacrosanct obligation of all concerned with the justice dispensation system to see that the administration of criminal justice becomes effective, vibrant and meaningful. The concept of speedy trial cannot be allowed to remain a mere formality.

39. In **Ashim Alias Asim Kumar Haranath Bhattacharya Alias Asim Harinath Bhattacharya Alias Aseem Kumar Bhattacharya Vs. National Investigation Agency, (2022) 1 SCC 695**, the Hon'ble Supreme Court has recognised the right of speedy trial of an accused. Para 11 of aforesaid judgement is quoted herein below:-

“11. Deprivation of personal liberty without ensuring speedy trial is not consistent with Article 21 of the Constitution of India. While deprivation of personal liberty for some period may not be avoidable, period of deprivation pending trial/appeal cannot be unduly long. At the same time, timely delivery of justice is part of human rights and denial of speedy justice is a threat to public confidence in the administration of justice.”

40. In **Athar Parwez Vs. Union of India, (2024) 20 SCC 57**, the Hon'ble Supreme Court has held that long incarceration and unlikelihood of trial being completed in near future violates Article 21 of Constitution.

“19. Long incarceration and unlikely likelihood of trial being completed in near future has also been taken as a ground for exercising its constitutional role by the constitutional courts to grant bail on violation of Article 21 of the Constitution of India which guarantees trial to be concluded within a reasonable time. Gross delay in conclusion of the trial would justify such invocation leading to a conclusion of violation of Part III the Constitution of India, which may be taken as a ground to release an undertrial on bail.”

41. It is further to be noted that it is the duty of prosecution to ensure speedy trial of an accused. In the present case the applicant is in jail since 12.3.2020, however, the prosecution has not shown as to what steps have been taken by the prosecution for speedy trial of accused. A perusal of order sheet of trial court would go to show that on 29.4.2025 the applicant-accused preferred an application for separation of trial from other accused person. It is further to be seen that since the year 2023 the prosecution has not shown that any steps for separation of the file of the applicant from other co-accused is taken by prosecution. It is further not disputed by learned Additional Advocate General that charge sheet contains 10 witnesses and till date charge has not been framed against applicant. In view of the abovementioned facts and circumstances, the right of accused for speedy trial is violated and consequently Article 21 of the Constitution is violated.

42. The learned Additional Advocate General has relied upon the criminal history of applicant and submits that the applicant has long criminal history of 77 cases. A perusal of list of cases against applicant filed along with the counter affidavit by the State at page no. 38 would go to show that criminal history of applicant is in respect of cases from the year 1977 to the year 2009. Learned Senior Counsel appearing on behalf of applicant has relied upon paragraph no. 29 of affidavit [filed in support of the bail application] to submit that in the list of 32 cases provided in paragraph 29 of the affidavit [filed in support of the bail application] in most of the cases either the applicant has been acquitted or the case has been wrongly registered. It is further submitted that the applicant is a political person and therefore lodging of cases against applicant may also arise out of political enmity. It is further submitted that the applicant has been convicted in two cases in which however this Court by order dated 13.8.2025 passed in Criminal Appeal No. 7280 of 2022 (Umakant Yadav Vs. State of U.P.) and order dated 21.12.2018 passed in Criminal Revision

Defective No. 868 of 2018 (Umakant Yadav Vs. State of U.P. and Another) has been enlarged on bail despite the criminal history.

43. Learned Senior Counsel appearing for the applicant further submits that applicant has already been enlarged on bail in the criminal appeal/criminal revision above-mentioned despite the criminal history of the applicant as has been shown by learned Additional Advocate General and as such the same would not be an impediment in releasing the applicant on bail in the present case. It is further to be noted that recently on 12.4.2022 this Court enlarged the applicant on bail in Criminal Misc. Bail Application No. 53348 of 2021 (Umakant Yadav Vs. State of U.P.), under section 3(1) of Uttar Pradesh Gangsters and Anti-Social Activities (Prevention) Act, 1986. It is not shown by the State that the above-mentioned bail orders have been set aside by the higher Courts. It is further to be noted that the applicant is aged about 74 years. If the previous bail orders of applicant which were granted despite the criminal history of applicant and the same are not shown by State to have been challenged before the higher Court then it does not lie in the mouth of State to raise such objection to bail on the basis of old criminal history, more particularly, when the State has not shown before this Court any material particulars and facts to demonstrate that after passing of previous bail of by this Court the applicant has misused the bail.

44. Further, no material or circumstance has been brought to the notice of this Court with regard to tampering of evidence or intimidating of witness in previous criminal cases. In **Ash Mohammad Vs. Shiv Raj Singh, (2012) 9 SCC 446**, the Apex Court in para 30 has observed:-

"We may hasten to add that when we state that the accused is a history-sheeter we may not be understood to have said that a history-sheeter is never entitled to bail. But, it is a significant factor to be taken note of regard being had to the nature of crime in respect of which he has been booked."

45. In the case of **Prabhakar Tewari Vs. State of U.P. and another, 2020 (11) SCC 648**, the Hon'ble Supreme Court has observed that

pendency of several criminal cases against an accused may itself cannot be a basis for refusal of bail.

46. In so far as criminal antecedents of the applicant is concerned, it is not the case of the State that applicant might tamper with or otherwise adversely influence the investigation, or that he might intimidate witnesses before or during the trial. If the accused is otherwise found to be entitled to bail, he cannot be denied bail only on the ground of criminal history, no exceptional circumstances on the basis of criminal antecedents have been shown to deny bail to accused, hence, the Court does not feel it proper to deny bail to the applicant just on the ground that he had criminal antecedent.

47. The principle that Bail is a rule and Jail is an exception has been well recognised by Apex Court more specifically on the touch stone of Article 21 of the Constitution. The said principle has been reiterated by the Apex Court in **Satyendra Kumar Antil Vs. Central Bureau of Investigation and another, 2022 (10) SCC 51**. Learned Additional Advocate General has not shown any exceptional circumstances which would warrant denial of bail to the applicant.

48. No material, facts or circumstances has been shown by learned Additional Advocate General for the State that the accused may tamper with the evidence or witnesses or the accused is of such character that his mere presence at large would intimidate the witnesses or that accused will use his liberty to subvert justice or tamper with the evidence. Mere old criminal history is relied upon by State.

49. It is settled principle of law that the object of bail is to secure the attendance of the accused at the trial. No material particulars or circumstances suggestive of the applicant fleeing from justice or thwarting the course of justice or creating other troubles in the shape of repeating offences or intimidating witnesses and the like have been shown by learned Additional Advocate General for the State.

50. Learned Additional Advocate General for the State has not shown any material or circumstances that the accused/applicant is not entitled to bail in larger interests of the public or State.

51. It has not been shown by the State that against the above-mentioned bail orders the State has preferred any appeal to the higher court for cancellation of the bail granted to the applicant in the convicted cases. It is further to be noted that in the order dated 13.8.2025 passed in Criminal Appeal No. 7280 of 2022 (Umakant Yadav Vs. State of U.P.), the Division Bench of this Court has taken note of the fact that applicant was in actual custody for more than six years. In the present case, the applicant is in jail for about six years and five months and in view of the discussion hereinabove the applicant at the best can be prosecuted for an offence up to 7 years under Section 420 and 471 of Indian Penal Code. In view of period of incarceration of applicant in the present case further detention of the applicant would amount to punishment without trial and as such the applicant is entitled to be released on bail. The State has relied upon the criminal history of applicant by providing list of 77 cases. However, no material has been relied by State to demonstrate behaviour, position or standing of applicant is such that applicant will intimidate the witnesses or there is chance of repetition of offence. Furthermore, it is not the case of State that applicant belong to ruling party. No particulars have been shown to demonstrate any adverse effect on the trial if the bail is granted to applicant. The investigation is completed and chargesheet has been submitted by investigating agencies before the court concerned and cognizance order has been passed.

52. Learned Additional Advocate General has further relied upon order dated 11.06.2020 passed in Bail Application No. 25 of 2020 by Special Judge (MP/MLA), Allahabad to submit that previously the applicant has misused the condition of bail. A perusal of order dated 11.06.2020 would go to show that in the above-mentioned matter the trial was transferred from District Jaunpur to District Allahabad and thereafter on account of non-presence of applicant at Allahabad, non-bailable

warrant was issued by court concerned, however, subsequently the court concerned was satisfied and have enlarge the applicant on bail by order dated 11.06.2020 and as such once the court before whom the alleged breach was committed by applicant has subsequently enlarge the applicant on bail, the aforesaid conduct of applicant would not in any manner affect the present case, more particularly, when the applicant is aged about 74 years.

53. Learned Additional Advocate General has further relied upon order dated 27.5.2020 passed in Criminal Misc. Bail Application No. 12226 of 2020 (Umakant Yadav Vs. State of U.P.). Paragraph nos. 3 to 6 of order dated 27.5.2020 is quoted hereinbelow:-

*“3. The instant bail application has been filed on behalf of the applicant - **Umakant Yadav** with a prayer to release him on bail in **Case Crime No. 82 of 1995, under Sections- 147, 148, 149, 307, 302, 224, 332, 333, 427 of Indian Penal Code and Section 7 of Criminal Law Amendment Act, Police Station - GRP Shahganj, District - Jaunpur, during pendency of trial.***

4. It is an admitted fact that, earlier, the applicant had been enlarged on bail by this Court on 28.8.1997. That order has been extracted in paragraph no.14 of the affidavit in support of the bail application, which may be read as below:

"Heard it has been pointed out that co-accused Bachchulal who has been assigned the main role has already been released on bail by this Hon'ble Court vide order dated 29.9.1995 and co-accused Rajdev vide order dated 20.02.1996 and also co-accused Mahendra vide order dated 05.02.1996. The applicant has remained in jail for more than two years as such in the facts and circumstances the applicant Umakant Yadav in case crime number 82 of 1995 under section 147, 148, 149, 307, 302, 224, 332, 333, 427 of Indian Penal Code and Section 7 of Criminal Law Amendment Act, Police Station - Shahganj, District - Jaunpur be released on bail on furnishing personal bond and two sureties each in the like amount to the satisfaction of court concerned."

5. The applicant continued to participate in trial over a long period of almost 23 years. Thereafter, he appears to have jumped the bail at the stage of recording statement under Section 313 Cr.P.C. One

indulgence had been granted by learned court below but the applicant failed to appear even thereafter.

6. Since the trial is at advanced stage, in normal circumstances, the Court may have been disinclined to grant bail at this stage and ensure that the trial may be concluded within a fixed time frame. However, on account of prevailing circumstances where the courts have practically remained closed for more than two months and it is not clear as to when normalcy would return, it is not possible to provide a time limit to conclude the trial. Keeping in mind the fact that the applicant had been on bail for a long period of 23 years, during which period, prosecution evidence has been recorded, it appears, in the interest of justice that the applicant is entitled to bail, though with heavy sureties.”

54. It is to be seen that abovementioned order is passed in respect of Case Crime No. 82 of 1995. Subsequently the trial in abovementioned case was completed and applicant was convicted against which the applicant filed Criminal Appeal No. 7280 of 2022 (Umakant Yadav Vs. State of U.P.) wherein after noting the criminal history of applicant, this Court enlarged the applicant on bail by order dated 13.8.2025. In view of above, the reliance of learned Additional Advocate General on order dated 27.5.2020 is of no consequence in view of subsequent order dated 13.8.2025 of this Court.

55. Considering the period of incarceration of applicant coupled with the fact that the trial is not proceeding and till date it has not been shown that even charge has been framed against the applicant and reason stated hereinabove, this Court is of the opinion that keeping the applicant in jail would be violative of Article 21 of Constitution as the right of the applicant for speedy trial has been violated in the facts and circumstances of the case and as such the applicant is entitled to be released on bail. The bail application is **allowed**.

56. Let the applicant-**Umakant Yadav** involved in Criminal Case No. 2329 of 2018 (State Vs. Umakant) arising out of Case Crime No. 2079 of 2017, under Sections 419, 420, 467, 468, 471 and 120-B I.P.C., Police Station Line Bazar, District Jaunpur be released on bail on furnishing a

personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- i. The applicant will not tamper with the evidence during the trial.
- ii. The applicant will not pressurize/intimidate the prosecution witness.
- iii. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
- iv. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
- v. The applicant 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.
- vi. The applicant shall not leave India without the previous permission of the Court.
- vii. In the event, the applicant changes residential address, the applicant shall inform the court concerned about new residential address in writing.

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

58. This Court by order dated 19.8.2026 summoned the record of Writ-B No. 55681 of 2017.

59. Let the record of Writ-B No. 55681 of 2017 be de-tagged and sent to the Registry.

(Vikram D. Chauhan,J.)

September 8, 2026
VMA