



2026:AHC:209868

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S
482 BNSS No. - 10127 of 2026**

Shriprakash Rai @ Prakash Rai

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Purushottam Mani Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 66

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Purushottam Mani Tripathi, learned counsel for the applicant, Sri Himanshu Kumar, learned A.G.A. for the State and perused the record.
2. The present application has been filed by the applicant seeking bail in anticipation of his arrest in Case Crime No. 272 of 2025, Police Station-Kotwali, District- Deoria, under sections-319(2), 318(4), 338, 336(3) and 340(2) of the Bhartiya Nyaya Sanhita, 2023, at Police Station- Kotwali, District-Deoria.
3. Contention of learned counsel for the applicant is that in the FIR, an allegation has been made that the father of the applicant, who was a retired Government Teacher and had retired on 18.11.2020, continued to receive pension in his account on the basis of a forged living certificate produced by the co-accused and the applicant. It is further submitted that there is no allegation or material to show that the applicant had withdrawn the aforesaid amount or had himself gone to the treasury office to submit the living certificate of his deceased father. It is further submitted that immediately after receiving the notice from the treasury department, the applicant deposited the entire amount which had been received in the account of the father of the applicant from 18.12.2020 till date. It is further submitted that certain employees of the treasury department themselves committed forgery and had also withdrawn the

amount received in the account of the father of the applicant, who had already died on 18.11.2020.

4. Per contra, learned AGA has opposed the prayer for bail but could not dispute the aforesaid legal position.

5. Considering the aforesaid submissions and taking into account the fact that there is no allegation that the applicant has withdrawn the amount deposited in his father's account, the anticipatory bail application is **allowed**. However, considering the fact that the material is yet to be collected, the anticipatory bail shall continue only till the filing of the final police report.

6. Hence without expressing any opinion on the merits of the case and considering the nature of accusations, gravity of offence and antecedents of applicant, he is entitled to get anticipatory bail **during investigation** as per the Constitution Bench judgment of the Apex Court in the case of **Sushila Aggarwal vs. State (NCT of Delhi)- 2020 SCC Online SC 98**.

7. In the event of arrest, the applicant- **Shriprakash Rai @ Prakash Rai**, involved in the aforesaid crime be released on anticipatory bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the **Investigating Officer** concerned with the following conditions:-

(i) The applicant shall make himself available for interrogation by a police officer as and when required;

(ii) 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;

(iii) The applicant shall not leave India without the previous permission of the Court;

(iv) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation;

(v) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

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

9. I.O. of this case is also directed to conduct the investigation regarding the involvement of employee of the concerned treasury department.

October 7, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)