2026:AHC:210187

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 6853 of 2026

Harish Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Rajnish Tripathi, Shivajee Singh Sisodiya, Siddharth Shukla
Counsel for Opposite Party(s)	:	Brijesh Kumar Tiwari, G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Siddharth Shukla and Sri Rajnish Tripathi, learned counsel for accused applicant, Sri Brijesh Kumar Tiwari, learned counsel for the informant and learned A.G.A. for State.

1A. Learned AGA for the State hands up the counter affidavit, the same is taken on record.

2. The present bail application has been moved by the applicant/ accused- **Harish Kumar** to enlarge him on bail in Case Crime No. 777 of 2025, under Sections 316(2), 318(4), 338, 336(3), 340(2) BNS, P.S.- Aonla, District- Bareilly, during the pendency of trial.

3. It is the contention of learned counsel for applicant that on 31.10.2025 Ms. Yasmeen Jahan, informant who runs Nari Shakti Nari Samman Sewa Samiti has lodged the FIR against nine persons and some anonymous persons including the accused/applicant with the allegation that the accused/applicant who allegedly runs Jan Sewa Kendra has forged the documents of the persons who approached the Jan Sewa Kendra to processes their papers for widow pension scheme of the Govt. It is further contended that the accused/applicant does not operate the Jan Sewa Kendra. There is nothing on record to show that he runs Jan Sewa Kendra, but he runs a SBI kiosk and has been falsely implicated in this case. He further submits that there is no documentary evidences to show that the accused/applicant has manufactured his death certificate to get his

wife Radha to take the benefit of widow pension scheme since 2015. He further submits that the charge sheet is submitted. The entire material recovered during the investigation does not have any document to show that the accused/applicant has falsely took the benefits or has manufactured documents for other persons for providing them the benefit of Govt. Scheme. It is further contended that there is only oral evidences, which are found as part of the case diary. The applicant has criminal history of eight cases out of which in one case the accused/applicant is on bail, in one case no summons has been received and in yet another case surrender application is being moved and in rest of the five cases, the accused/applicant has been made accused after invocation of present case. It is further contended that some of the accused have already been granted bail. There is interim order in favour of co-accused Dharmendra Kumar by the writ Court wherein his arrest is stayed. The charge sheet is submitted. The accused applicant is languishing in jail since 04.11.2025. He seeks to be enlarged on bail.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail and submit that the accused/applicant has main role, he himself got his death certificate manufactured to obtain the widow pension scheme for his wife Radha. There is ample evidence on record to show that the accused/applicant is instrumental in manufacturing the documents to provide the benefits of Govt. Scheme to other co-accused. Hence submit that the bail application be rejected.

5. This Court has taken into consideration the rival submissions made by learned counsel for the parties and perused the record.

6. This Court has specifically inquired about the forged death certificate of the accused/applicant, but the same has not been placed before the Court, which is not available on record despite the exchange of pleadings. This Court further called for the bank account of Radha wife of accused/applicant to show the monetary benefits credited to her account, the same is also not available on record. The only material evidence against the accused/applicant are the oral evidence whereas there should be ample documentary evidences to show the complicity of the accused/applicant, which has apparently not collected during

investigation. The charge sheet is submitted. The trial is still at nascent stage. Considering the above facts and circumstances of the case, the accused/applicant is entitled to be released on bail.

7. Hence, without touching merit of the case, the bail application is **allowed**.

8. The accused/applicant 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 court concerned in view of observation made by the Supreme Court in its dictums of **Girish Gandhi Vs. State of Uttar Pradesh [(2024) 10 SCC 674] and Policy Strategy for grant of bail in re [(2024)10SCC 685].**

9. The accused-applicant shall cooperate in judicial process for fair and speedy disposal.

(Avnish Saxena,J.)

October 7, 2026
Abhishek Sri.

Digitally signed by :-
ABHISHEK RANJAN SRIVASTAVA
High Court of Judicature at Allahabad