2026:AHC:212240

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34188 of 2026

Kusumakar @ Kushamakar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Gaurav Srivastav, Rajesh Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A., Mithilesh Kumar Shukla

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Gaurav Srivastav, learned counsel for the accused-applicant, Sri Mithilesh Kumar Shukla, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Kusumakar @ Kushamakar** to enlarge him on bail in Case Crime No. 103 of 2026, under Sections 420, 467, 468, 471, 120-B, 406 IPC, P.S.- Pinahat, District- Agra, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been implicated in F.I.R. dated 28.06.2026 lodged by the informant against the four accused persons including the accused-applicant with the allegation that the co-accused Dinesh Kumar Gupta was a tenant of the shop, owned by the informant. Being the tenant, he has gifted the shop to his son Rajeev Kumar Gupta and the two other co-accused persons are the marginal witness of the property, which was registered. Further contended that there is stay of arrest in operation against the three co-accused, whereas the accused-applicant is in jail since 02.08.2026. The applicant has four cases criminal history, in which, in two cases, he is on bail and in two cases, they are of gambling act and invoked during the corona period, which have no more survives. The investigation is continuing. He is cooperating in the investigation. The applicant is in jail since 02.08.2026 and hence, the applicant seeks to be released on bail.

4. Learned counsel for the informant and learned A.G.A. for State have opposed the prayer for bail of the applicant and submitted that the accused-applicant was witness to a gift deed of the property, which is not owned by the co-accused. As such, the deed itself was illegal and hence, submits 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. Considered that the accused-applicant is a marginal witness of the gift deed and there is specific averment in the F.I.R. that the co-accused, who has executed a gift deed, is a tenant of the property.

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 9, 2026
Shivangi

Digitally signed by :-
SHIVANGI YADAV
High Court of Judicature at Allahabad