2026:AHC:208329

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34485 of 2026

Umashankar Singh

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sanjay Srivastava
Counsel for Opposite Party(s)	:	G.A., Sudhakar Shukla

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Supplementary affidavit has been filed explaining criminal history, the same is taken on record.

1A. Heard Sri Sanjay Srivastava, learned counsel for accused applicant, Sri Sudhakar Shukla, learned counsel for the informant and learned A.G.A. for the State.

2. The present bail application has been moved by the applicant accused-**Umashankar Singh** to enlarge him on bail in Case Crime No. 463 of 2025, under Sections 318(4), 336(2), 340(2), 338 of BNS, P.S.- Panki, District- Kanpur Nagar during the pendency of trial.

3. It is the contention of learned counsel for accused applicant that the informant Kumari Kshama Awasthi has lodged the FIR on 18.11.2025 through an application under Section 173(4) BNSS with the allegation against the accused applicant that he has forged a notarized will of her father late Ram Saran Awasthi on 21.11.2007 to usurp the property, which has been allotted by the Kanpur Development Authority in favour of late Ram Saran Awasthi in the year 1974. It is further contended that the deceased was an advocate and there was an agreement between the parties for the sale of their plot. The will was notarized. It was signed by late father of informant but the property could not be transferred to him, however, the part of the property is transferred by the brother of the informant Jitendra Kumar Awasthi in favour of accused's wife by way of registered sale deed. The applicant has initially got an agreement through

notary executed by father of informant on 3.2.1999. The will has not been forged. The charge sheet has been submitted. The applicant has two cases criminal history, wherein, in one case, he has been convicted by the trial court and bailed out by the Appellate Court and in another case, he is on bail. The applicant is languishing in jail since 21.7.2026. He seeks enlargement of accused on bail.

4. Learned counsel for the informant and learned A.G.A. have opposed the bail and submits that the will is forged. The accused applicant has tried to usurp the property by way of fraudulent will. While disposing of an application under Section 173(4) BNSS, the Magistrate has passed a detailed order wherein it is considered that witnesses of will have refused to have signed the will. The accused applicant is a criminal minded person. As such, submits that the bail application should be rejected.

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

6. Considering the execution of notarized will, which is subject matter of trial and the charge sheet has been submitted, the accused applicant is entitled to be enlarged 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 6, 2026
Krishna*

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