2026:AHC:210331

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34716 of 2026

Ramchandra Prasad

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Santosh Kumar Mishra, Vinay Kumar Mishra
Counsel for Opposite Party(s)	:	G.A., Ramesh Chandra Dwivedi

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Vinay Kumar Mishra, learned counsel for the accused-applicant, Sri Ramesh Chandra Dwivedi, 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 **Ramchandra Prasad** to enlarge him on bail in Case Crime No. 128 of 2025, under Sections 319(2), 318(4), 338, 336(3), 340(2) BNS, P.S.- Salempur, District- Deoria, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the F.I.R. has been lodged on 05.04.2025 by Smt. Maya Devi against the three named accused including the accused-applicant and some of the revenue authorities. It is alleged in the F.I.R. that Maya Devi has purchased a land from Kaushaliya Devi on 28.08.2011 through registered sale deed. The property was initially in the name of Katwaru, who has executed a will of his property in favour of his wife through registered will dated 22.11.2002. Later on, on 11.08.2003, the unregistered will by Katwaru was executed in favour of Poonam, his daughter-in-law and grand daughter Kajal. Both are co-accused in the present case. Further contended that it is this will, which is stated to be forged. The accused-applicant is one of the marginal witness of this will and made an accused. Further contended that from 28.08.2011, the property has never been mutated in the name of informant nor Kaushaliya has ever claimed the property of Katwaru on the basis of registered will, but in the revenue

record, the name of Poonam and Kajal was mutated. Further contended that the will is not forged, but it is merely an unregistered will, which was executed and it is on the basis of this will, the mutation was carried out. Further contended that the beneficiary of the will, namely, Poonam has already been granted bail by the coordinate Bench of this Court. The investigation is continuing. He is cooperating in the investigation. The applicant has no criminal history. The applicant is in jail since 23.08.2026 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 will is forged, which is brain child of the accused-applicant. The informant has already moved an application for mutation in the year 2012 after purchase of the property and found that the mutation order is forged and no record is available. Further submits that the informant is a purchaser of property and a registered sale deed has been executed in her favour by original owner and the legal heirs of Katwaru and hence, 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 the marginal witness of the will, which has allegedly been executed by Katwaru in favour of Poonam and Kajal in the year 2003, who have already been granted bail and the role of the accused is of marginal witness.

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
Shivangi

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