2026:AHC:210751

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34928 of 2026

Nagar Gautam

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Brijesh Kumar Patel
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Brijesh Kumar Patel, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Nagar Gautam** to enlarge him on bail in Case Crime No. 366 of 2026, under Sections 309(4), 3(5), 61(2), 351(3), 352, 318(4) and 317(2) BNS, P.S.- Nawabganj, District- Prayagraj, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in the FIR dated 25.08.2026 lodged by one Pankaj Kumar Agarwal against five named persons including the accused/applicant with the allegation that prior to 19.08.2026, the co-accused Zubair Ahmad allured the informant that he will provide gold in cheaper price. The informant managed Rs. 18 Lakhs for the purchase of cheap gold and took the money, who was robbed by three persons at the highway. It the contention of learned counsel that FIR is highly delayed. The police has arrested three accused persons, namely, Faisal, Nagar Gautam (the present applicant) and Sandeep Yadav from whom Rs. 11 Lakhs and gold has been recovered. It is the contention of learned counsel that the arrest and recovery has been made in absence of independent witness. The accused/applicant has no criminal history. The co-accused Rajan Dubey moved this Court in writ petition in which he got the interim order from the Writ Court. The investigation is continuing and he is cooperating in the investigation. The accused applicant is languishing in

jail since 26.08.2026. 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.

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

6. Considering the role of accused/applicant and arrest and recovery has been made in absence of independent witness, 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 8, 2026
Abhishek Sri.

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