2026:AHC:210886

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 34938 of 2026

Hariom Mathuriya

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Manish Kumar Kashyap, Virendra Pal Singh

Counsel for Opposite Party(s) : G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri V.P.Singh Kashyap, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Hariom Mathuriya** to enlarge him on bail in Case Crime No. 289 of 2026, under Sections 310(2), 308(2), 317(3) BNS, P.S.- Dataganj, District- Budaun, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR has been lodged on 19.08.2026 by Netrapal with the allegation against four anonymous persons that they have not only robbed the informant but also extorted the money from him. The informant was going through pick up vehicle carrying chickens. He was intercepted by four anonymous persons, who had robbed Rs. 19,200/- cash and got transferred Rs. 800/- through Paytm in the account of some Hariom. It is the contention of learned counsel that account does not belong to the accused/applicant and he has been falsely implicated in this case. The accused/applicant has been arrested from his residence and implicated in the present case. The applicant has no criminal history. The accused/applicant is in jail since 19.08.2026. The investigation is continuing and he is cooperating in the investigation. The recovery shown from the accused/applicant is in absence of independent witness. The co-accused Yash Joshi has already been granted bail by the coordinate Bench of this Court, the accused/applicant has similar role and 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 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