2026:AHC:208966

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35545 of 2026

Vinod Kumar Gupta

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Sanjeev Kumar Singh, Sunil Kumar Gupta
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Piyush Kumar, learned counsel for the informant hands up the Vakalatnama, the same is taken on record.

1A.Heard Sri U.K.Saxena, learned Senior Advocate assisted by Sri Sanjeev Kumar Singh and Sri Sunil Kumar Gupta, learned counsel for accused applicant, Sri Kumar, learned counsel for the informant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant/ accused- **Vinod Kumar Gupta** to enlarge him on bail in Case Crime No. 0154 of 2026, under Sections 319(2), 318(4), 338, 336(3), 340(2), 61(2) BNS, P.S.- Kotwali, District- Gorakhpur, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the FIR has been lodged on 20.07.2026 by Syed Firoz Alam against five named accused persons including the accused/applicant with the allegation that the accused persons has surreptitiously transferred a land by way of a sale deed of which the co-accused Nadir Hussain was not the original owner. It is the contention of learned Senior Counsel that the accused/applicant is a purchaser for value. He has transferred Rs. 86 Lakhs as consideration amount and got the sale deed registered in his favour. Further submits that the sale deed

clearly shows the hierarchy of ownership and so far as the informant is concerned, he claim his ownership of the property on the basis of notarized deed dated 10.06.1976, which was allegedly executed by Shamim Begum, who was also not found to be the owner of the property. It is further submits that after the registration of the FIR the accused/applicant and three other co-accused have moved writ Court wherein this Court in order dated 22.09.2026 has stayed the arrest of other co-accused excluding the accused/applicant, who was also arrested by that time. As such, he seeks to be enlarged on bail.The accused applicant is languishing in jail since 03.09.2026. The accused/applicant has no criminal history. The investigation is continuing and he is cooperating in the investigation.

4. Learned A.G.A. for State and learned counsel for the informant have opposed the prayer for bail and submit that the role of accused/applicant is clear and explicit that he has purchased the property through a sham sale deed as co-accused Nadir Hussain was not owner of the property, who could not pass on better title than he himself had, as such 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. Considering prima facie that the accused/applicant is bonafide purchaser for value, who has purchased the property by way of sale deed from the co-accused and the sale deed clearly shows the hierarchy of ownership, 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.

October 6, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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