2026:AHC:212664

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 35163 of 2026

Azam Khan @ Raheja

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Mahadeo Singh Chandel
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Mahadeo Singh Chandel, learned counsel for accused applicant and learned A.G.A. for State.

2. The present bail application has been moved by the applicant accused-Azam Khan @ Raheja to enlarge him on bail in Case Crime No. 302 of 2026, under Sections 318(4), 319(2), 336 (3), 61(2), 338, 340(2) of BNS, P.S.- Kotwali Nagar, District- Banda, during the pendency of trial.

3. It is the contention of learned counsel for applicant that the accused applicant has been falsely implicated in FIR dated 12.06.2026 lodged by Om Prakash, Gram Pradhan of the village with the allegation against six named persons alleging that they have surreptitiously sold the land of one Chuniya, who was already pre-deceased. It is the contention of learned counsel that the accused applicant is not named in the FIR, he runs a firm, wherein the co-accused Bhagwat Prasad is working. The accused/applicant is a marginal witness of the sale deed. He has witnessed the execution of the sale deed which was executed in favour of co-accused Bhagwat Prasad Khaga and he was a witness on instance of the co-accused as he is a tractor driver of the purchaser of the land. He had no complicity in the present case. The accused applicant has criminal history of six cases, in one case final report is submitted, in two cases he is on bail and in rest of the cases, bail application is pending. Charge sheet is submitted. The accused applicant is languishing in jail since 04.04.2026. He seeks enlargement of accused on bail.

4. Learned A.G.A. for State opposed the bail application.

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

6. Considering that the accused applicant is a marginal witness of the sale deed which was executed by an imposter in favour of the co-accused under whom the accused applicant used to work, 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 9, 2026
Abhishek Sri.

(Avnish Saxena,J.)

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