2026:AHC:212238

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 33946 of 2026

Radhey

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Karunesh Pratap Singh, Shashank Singh

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

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Sri Karunesh Pratap Singh, learned counsel for the applicant hands up the supplementary affidavit explaining the criminal history. The same is taken on record.

1A. Heard Sri Singh, learned counsel for the accused-applicant and learned A.G.A. for the State.

2. The present bail application has been moved by the accused-applicant **Radhey** to enlarge him on bail in Case Crime No. 303 of 2026, under Sections 61(2), 318(4), 351(3), 352, 338, 336(3), 340(2) BNS, P.S.- Pipraich, District- Gorakhpur, during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been falsely implicated in F.I.R. dated 04.07.2026 lodged by the informant against 16 named including the accused-applicant and 10-12 anonymous persons that the accused persons are land grabbers and had sold the land pertaining to the mother of informant to various persons. Further contended that Arazi No.125 is a big chunk of land, where the informant's mother Kaushalya Devi as well as the accused-applicant's father Bali Karan were the tenure holders. Initially, there was some civil dispute between the parties pertaining to cancellation of sale deed and other several cases. Further contended that the accused-applicant has got his name mutated and one such C.S. Form No.11 is on record to shows the name of accused-applicant as a tenure holder. Further

contended that being the owner of the property, the accused-applicant has sold the land. The civil suit for cancellation of sale deed was initially filed by the informant, which was decreed ex-parte. When the applicant came to know about the ex-parte decree, he has approached the trial court to set aside the same. It is during this period that the F.I.R. is lodged. The matter is purely civil in nature. The investigation is continuing. He is cooperating in the investigation. The applicant has one case criminal history, wherein he is on bail. The applicant is in jail since 12.08.2026 and hence, the applicant seeks to be released on bail.

4. Learned A.G.A. for State has opposed the prayer for bail of the applicant, but could not dispute the aforesaid facts.

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 prima facie, the matter is civil in nature, wherein the father of accused-applicant has been recorded as a tenure holder.

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 9, 2026
Shivangi

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