2026:AHC:212756

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 36113 of 2026

Pushpendra Sharma

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s) : Anup Singh, G.A., Raj Narayan Gupta
Counsel for Opposite Party(s) :

Court No. - 69

HON'BLE AVNISH SAXENA, J.

1. Heard Sri Raj Narayan Gupta, 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 **Pushpendra Sharma** to enlarge him on bail in Case Crime No. 280 of 2026, under Sections 318(4), 338, 336(3), 340(2), 61(2), 3(5) BNS, P.S.-Aurangabad, District- Bulandshahr during the pendency of trial.

3. It is contended by learned counsel for the accused-applicant that the accused-applicant has been falsely implicated during the investigation in F.I.R. dated 30.08.2026 lodged by Syed Mohd. Kafil, the brother of one of the accused, with the allegation that the four named accused persons and one anonymous person has cut the mango plantation without permission. Later on, the name of the accused-applicant has been figured out with the allegation that it is the accused-applicant, who has allegedly taken permission for cutting of mango plantation, which was found to be forged. Further contended that the other co-accused got interim stay of arrest in the present case by the writ court. Further contended that there are two FIRs on the same subject matter. One is lodged by the forest department and another is lodged by the informant. The same is against the principles of double jeopardy. The investigation is continuing. He is cooperating in the investigation. The applicant has no criminal history. The applicant is in jail since 11.09.2026 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 the role of accused-applicant and prima facie, there is nothing on record to show the involvement of the accused-applicant and the F.I.R. is apparently against the principles of double jeopardy.

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