



2026:AHC:180536

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 30297 of 2026

Arvind Kumar Pathak And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ramesh Chandra Agrahari
Counsel for Opposite Party(s)	:	G.A.

Court No. - 70

HON'BLE JAI PRAKASH TIWARI, J.

Supplementary affidavit filed on behalf of the applicants is taken on record.

Heard learned counsel for the applicants and learned A.G.A. for the State-respondent and perused the record of the case.

The instant application has been filed seeking release of the applicants on bail in Case Crime No. 87 of 2017, under Sections 419, 420, 467, 468 and 471 IPC, Police Station Suriyavan, District Bhadohi, during pendency of the trial before the court concerned.

Learned counsel for the applicants submits that the applicants are absolutely innocent and have been falsely implicated in the present case due to ulterior motives. It is submitted that the present F.I.R. has been lodged against the applicants and co-accused Devendra Kumar @ Devendra Nath, who is the younger brother of the applicants. It is alleged in the F.I.R. that the accused persons fraudulently got a loan sanctioned by mortgaging the property belonging to the informant. Learned counsel for the applicants further submits that the applicants are permanent residents of Village Bela, Police Station Suriyavan, District Bhadohi, but they are residing in Mumbai, Maharashtra for about 20 years and had not visited their parental village for the last 20 years. It is next submitted that when the applicants came to the village in April, 2026, they came to know about the alleged forgery. It is further submitted that the applicants have no concern with the allegations levelled against them and have not

committed any offence as alleged by the prosecution. The alleged forgery was committed by the younger brother of the applicants, namely, Devendra, in the names of the applicants making their forged signatures and thumb impression. It is next submitted that the concerned bank has, subsequently, removed Gata No. 43/263, disputed land belonging to the informant, from the mortgage deed and in support of the said submission, a copy of the Khatauni has been annexed as Annexure No. S.A.-1. It is further submitted that the charge-sheet has already been submitted. Co-accused Devendra Kumar Pathak has been granted bail by the trial court itself vide order dated 13.7.2017. The applicants have no criminal history except a case under Section 174-A IPC, which was registered by the police. The applicants are languishing in jail since 13.07.2026.

It is also submitted that the applicants undertake that they shall not misuse the liberty of bail, if granted. It has further been submitted that, in view of the heavy pendency of cases before the Court, there is no likelihood of an early conclusion of the trial.

The prayer for bail has been vehemently opposed by learned A.G.A.

Considering the facts and circumstances of the case, the submissions advanced by learned counsel for the parties, the nature of the allegations, the evidence available on record and without expressing any opinion on the merits of the case, this Court is of the view that the applicants are entitled to be enlarged on bail during pendency of the trial.

Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

Let applicants, **Arvind Kumar Pathak** and **Santosh Kumar Pathak** be released on bail in the aforesaid case on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

- (i). The applicants will not tamper with the evidence during the trial.
- (ii). The applicants will not pressurize/ intimidate the prosecution witness.
- (iii). The applicants will appear before the trial court on the date fixed,

unless personal presence is exempted.

(iv). The applicants shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v). The applicants shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

It is further directed that the identity, status and residence proof of the sureties be verified by the authorities concerned before they are accepted.

In case of breach of any of the above conditions, the trial court will be at liberty to cancel the bail.

It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

The trial court is directed to conclude the trial of the aforesaid case in accordance with law, as expeditiously as possible, without granting any unnecessary or long adjournments to either of the parties, if there is no other legal impediment.

(Jai Prakash Tiwari,J.)

August 31, 2026
KK Patel