



2026:AHC:176601

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS No.
- 3578 of 2026**

Hiralal Yadav

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s) : Ashok Kumar Maurya, Mrigraj Singh,
Prakhar Saran Srivastava
Counsel for Opposite Party(s) : G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court on 16.04.2026 passed the following order:-

"1. Heard Sri Prakhar Sharan Srivastava, learned counsel for the accused applicant and learned AGA for State.

2. The instant anticipatory bail application has been filed by applicant to grant anticipatory bail in Case Crime No. 0003 of 2021, under Sections 409, 420, 467, 468, 471, 477A, 120B and 34 IPC, P.S.- E.O.W. Varanasi Sector, District- Varanasi.

*3. Learned counsel for accused applicant submits that the FIR is highly belated lodged on 03.02.2021 of misappropriation of fund in the year 2004-05. The accused applicant is not named in the FIR, who was licensed for the fair price shop in the system. During the investigation, it is found that accused applicant was provided with the ration for distribution to the labours but the same has not been provided. There is allegation of embezzlement. The allegation is of the year 2004-05. The FIR is lodged in the year 2021 without any substance. Learned counsel has relied on the judgment of Hon'ble the Supreme Court in the case of **Gursewak Singh Vs. State of Punjab 2025 LiveLaw (SC) 873**, pertaining to the delay in investigation is ground for granting bail and seeks interim anticipatory bail at this point of time.*

4. It is contended by learned AGA that instruction is not being received so far and seeks time.

5. The scope of ambit of anticipatory bail is encapsulated in three insightful judgments of Hon'ble Supreme Court right from **Gurubaksh Singh Sibbia Vs. State of Punjab** reported in (1980) 2 SCC 565, **Siddharam Satlingappa Mhetre Vs. State of Maharashtra** reported in (2011) 1 SCC 694 and **Sushila Aggarwal and others Vs. State (NCT of Delhi) and another** reported in (2020) 5 SCC 1, wherein it is consistently held by Hon'ble Apex Court that while granting anticipatory bail, the Court should considering the application of the applicant to evaluate the threat or apprehension of arrest vis-a-vis the nature and gravity of accusation, criminal antecedent of the accused, false or exaggerated implication, need of custodial interrogation, willingness of the accused to cooperate in investigation and trial and the conduct of the accused and flight risk.

6. This Court while considering the arguments, gravity of accusation, explained criminal history and apprehension of arrest in the case vis-a-vis low flight risk and assurance of the accused in cooperating with the investigation and trial is of considered view to grant interim bail.

7. In the event of arrest of the **applicant- Hiralal Yadav** involved in the aforesaid case crime shall be released on interim anticipatory bail till **08.05.2026** on his furnishing a personal bond of Rs. 25,000/- with two sureties each in the like amount to the satisfaction of the Court concerned, with the following conditions :-

(i) The applicant shall not tamper with evidence and that he would appear before the trial Court on the date fixed unless exempted by the Court concerned;

(ii) The applicant 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicant would co-operate during trial and would not misuse

the liberty of bail.

(iv) The applicant shall not leave India without prior permission of the Court concerned.

8. In default of any of the conditions, the prosecution shall be at liberty to file appropriate application for cancellation of interim anticipatory bail granted to the applicant.

*9. List this case on **08.05.2026**.*

10. Learned AGA is directed to obtain instructions by the next date."

2. Today, when the case has been called on, the Learned A.G.A. submits that he has received the instructions in the matter.

3. Learned counsel for the applicant has contended that the applicant is not named in the FIR. The incident in question is of the year 2004-05. Co-accused Ashok Kumar Shrivastava, Ram Shiromani Upadhyay and Ramdhari have been granted anticipatory bail in **CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482 BNSS Nos. 8000 of 2026, 4428 of 2026 and 4417 of 2026**, respectively. Learned counsel for the applicant has submitted that the applicant has no criminal antecedents.

4. Learned AGA has opposed the prayer for bail, however, could not dispute the fact that the case of the applicant stands on similar footing to that of the co-accused.

5. I have considered the submissions made by the Learned counsel for the parties and perused the material brought on the record.

6. The applicant is not named in the FIR and similarly situated co-accused have been granted anticipatory bail. The FIR in question has been lodged after a long delay in the year 2021 regarding an incident said to have taken place in the year 2004-2005. The applicant has no criminal antecedents. The applicant is on interim anticipatory bail under the orders of this Court, which he is not stated to have misused.

7. Taking into account the entire facts and circumstances of the case, I

deem it appropriate to confirm the interim order granted in favour of the applicant.

8. The anticipatory bail application of the applicant is **allowed**.

9. In the event of the arrest of the **applicant *Hiralal Yadav***, he shall be released forthwith in the Case Crime No. 0003 of 2021, under Sections 409, 420, 467, 468, 471, 477A, 120B and 34 IPC, P.S.- E.O.W. Varanasi Sector, District- Varanasi, on anticipatory bail on the same terms and conditions as provided in the order dated 16.04.2026.

(Rajiv Lochan Shukla,J.)

August 20, 2026

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