



2026:AHC:177863

HIGH COURT OF JUDICATURE AT ALLAHABAD

**CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION U/S 482
BNSS No. - 3894 of 2026**

Prem Narayan Yadav And Another

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Anup Kumar Srivastava
Counsel for Opposite Party(s)	:	G.A.

Court No. - 71

HON'BLE RAJIV LOCHAN SHUKLA, J.

1. This Court, on 23.04.2026, passed the following order :

"1. Heard Sri Anup Kumar Srivastava, learned counsel for the applicants, learned AGA for the State and perused the record.

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

3. The learned counsel for applicants seeks interim anticipatory bail.

4. The present application has been moved seeking anticipatory bail in Case Crime no. 1012 of 2018, under Sections 419, 420, 467, 468 and 471 IPC, P.S.- Khorabar, District- Gorakhpur.

5. It is contended by learned counsel for accused applicant that the accused/applicants have been falsely implicated in the FIR dated 03.12.2018 with the allegation that the accused/applicants are marginal witness of a forged WILL, which was executed in the year 2013. It is contended by learned counsel that the WILL has been executed by the Aunt of co-accused, who has bequeathed all the property to co-accused- Mahendra Yadav. There is no point of impersonation, which is alleged in the FIR. The accused has no criminal history. During investigation the accused was granted arrest stay from the Writ Court. The charge sheet is submitted. The accused applicants are apprehending arrest, hence, seeks interim anticipatory bail.

*6. 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.

7. This Court while considering the arguments, gravity of accusation 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.

8. The **applicants- Prem Narayan Yadav and Navnath Yadav** involved in the aforesaid case crime shall appear before the trial court or the Investigating Officer as the case may be within **thirty days** from the date of this order and shall be released on interim anticipatory bail till 26.05.2026 on 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 applicants 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 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/her/them from disclosing such facts to the Court or to any police officer;

(iii) The applicants would co-operate during trial and would not misuse the liberty of bail.

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

(v) The applicants shall appear before the trial court and furnish surety bonds within 30 days.

9. 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.

10. List this case on 26.05.2026.

11. 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. states that he has received instructions.

3. Heard learned counsel for the applicants; and learned A.G.A. for the State.

4. The learned counsel for the applicants has further contended that the applicants have abided by the terms and conditions fixed by this Court in the earlier order and would also cooperate with the trial as a charge sheet has been submitted and will not seek any unnecessary adjournments or tamper with the evidence.

5. The learned AGA has opposed the prayer for grant of bail, however, could not dispute the claim of the applicants that they have no criminal antecedents.

6. I have considered the submissions made by the learned counsel for the parties.

7. The FIR in question is dated 03.12.2018. The charge-sheet in the present case has been filed in the year 2020. The disputed Will was executed in the year 2013. The applicants are stated to be the witnesses of the said Will. They are not the beneficiary of the said Will. Co-accused Mahendra Yadav, who is said to be the beneficiary of the Will in question, has been granted anticipatory bail by this Court in NABAIL No. 4123 of 2026. The case of the applicants stands on a similar footing.

8. Taking note of the entire facts and circumstances of the case, as discussed above, the interim anticipatory bail granted to the applicants is hereby confirmed.

9. The anticipatory bail application is **allowed**.

10. In the event of the arrest of the applicants- **Prem Narayan Yadav** and **Navnath Yadav**, in the above mentioned case, they shall be enlarged on anticipatory bail, on the same terms and conditions, as fixed in the earlier order dated 23.04.2026.

11. It is made clear that observations made hereinabove are exclusively for deciding the instant anticipatory bail application and are not to be considered to be an opinion on the merits of the case.

August 21, 2026
Kushal

(Rajiv Lochan Shukla,J.)