

In The Court of Session Judge, Gonda

Anticipatory Bail Application No. 1800/2026

CNR No. UPGD01-004929-2026

Ramtirath Prasad, S/o Triveni Prasad, R/o Village Sarai Khas, P.S.- Rehara Bazar,
District- Balrampur,

...Accused / applicant

Versus

State of Uttar Pradesh

..... Opposite party

And

Anticipatory Bail Application No. 1862/2026

CNR No. UPGD01-005054-2026

Jamaluddeen, S/o Mohd. Hussain, R/o Village Sarai Khas, P.S.- Rehara Bazar,
District- Balrampur,

...Accused / applicant

Versus

State of Uttar Pradesh

..... Opposite party

Date: 17.08.2026

1- Above anticipatory bail applications are moved on behalf of accused/applicants **Ramtirath Prasad and Jamaluddeen** U/s 438 Cr.P.C. in relation to case crime no. 346/2022, U/s 419, 420, 467, 468, 471, 120B IPC, P.S.- Kotwali Nagar, District- Gonda.

2- Since the above bail applications are related to same case crime number, hence, aforesaid bail applications are disposed off together by a common order.

3- According to prosecution case, on the basis of court's order on application u/s 156(3) Cr.P.C. moved by informant/ complainant Abdul Gaffar an FIR has been registered against present accused/applicants and 07 others. The brief facts of the case is that Meraj Ali and Kamla Devi in connivance with Atikkur Rahman and others with the intention of usurping the land belonging to complainant brother Yunus, who is missing for last 37 years, on 4.11.2019 got executed a sale-deed in favour of Kamala Devi by making Atikkur Rahman as Yunus and thereafter on 26.8.2020 in favour of Meraj. Further submitted that before this incident co-accused Atikkur Rahman has got executed a sale-deed of his land in favour of Kamal Devi in Balrampur on 31.10.2019 and thereafter after changing his name in addhar card as Yunus got executed a sale-deed in favour of Kamla Devi and Meraj. Further, Meraj got executed the sale-deed of same land in favour of Malti Singh after alleged fake sale-deed.

4- On the basis of aforesaid information, a first information report u/s 419, 420, 467, 468, 471 IPC was registered against 10 named persons at police station concerned in aforesaid case crime number.

5- Learned counsel for the accused/applicants commonly argued that accused/applicants are not named in the FIR and their name came into light during investigation. Instant case is of civil nature, compromise has taken place between the parties and now there is no dispute pending between the parties. Accused/applicants are innocent and have falsely been implicated in the case. Accused/applicants have no role in the alleged incident nor they are in any way benefited from the sale-deed in question. Accused/applicants have no criminal history. Accused/applicants have not committed any offence. Accordingly, prayed for anticipatory bail.

6- Per contra learned DGC (Crl.) vehemently opposed the above anticipatory bail applications and argued that present case has been registered after the order of the court on the application moved u/s 156(3) Cr.P.C. moved by the complainant. Present case is related to execution of sale-deed by way of fraud and impersonation. Investigation against present accused/applicant is still going on while charge-sheet against some of the co-accused persons has already been filed. Apart from this, as per order sheet of learned trial court, NBW has been issued against the present accused/applicants and others. Anticipatory bail application of co-accused persons Miraj Ali and others is already rejected by this court and role of accused/applicant is not less than that. Maximum punishment for the offence committed in the instant case is imprisonment for life. Offence is grievous in nature. Accordingly, prayed to reject the instant anticipatory bail applications.

7- Heard, learned counsel for the accused/applicants and learned DGC (Crl.) for the State and perused the material available on record.

8- From the perusal of record it transpires that initially FIR was lodged against 10 named accused persons. During investigation, name of accused/applicants and others came into light. After investigation, police has filed the charge-sheet against accused persons Kamla Devi, Maniram, Kishun @ Ram Kishun, Meraj Ali and Atikurrahman U/s 419, 420, 467, 468, 471, 120 B IPC while investigation against present accused/applicants is still going on and charge-sheet is pending. There is nothing on record to outweigh the evidence collected by the I.O. concerned during the investigation that accused/applicants are prima-facie being falsely implicated in the case for harassing or defaming them. There is no other exceptional circumstance in the present case that would warrant consideration of their request for anticipatory bail. Offence is heinous in nature and is punishable with imprisonment for life. Apart from this also, in light of the decisions dated 21.07.2025 passed by the **Hon'ble Supreme Court in Criminal Appeal (SLP (Crl.) No (s.) 10251 of 2025 Nikita Jagannath Shetty @ Nikita Vishwajeet Jadhav Vs. State of Maharashtra** and others and the

legal principle propounded in case law **Shri Kant Upadhyay Vs. State of Bihar, 2024, SCC online SC 282**, there is no sufficient ground for anticipatory bail.

9- Also against present accused/applicants NBW has been issued by the learned lower court which shows that accused/applicant are not co-operating in the investigation. Anticipatory bail application of co-accused persons Meraj Ali and others has already been rejected by this court vide order dated 17.01.2023.

10- Accordingly, in light of above facts and circumstances of the case, in my opinion, it is not a fit case for anticipatory bail.

Order

Anticipatory bail application no. **1800/2026** moved on behalf of accused/applicant **Ramtirath Prasad** and Anticipatory bail application no. **1862/2026** moved on behalf of accused/applicant **Jamaluddeen** in relation to case crime no. 346/2022, U/s 419, 420, 467, 468, 471, 120 B of Indian Penal Code, Police Station – Kotwali Nagar, District- Gonda is hereby **rejected**.

Copy of this order be kept in connected bail application no. 1862/2026.

Dated : 17.08.2026

(Durg Narain Singh)
Sessions Judge,
Gonda
UP 5863