



2026:AHC:62958

HIGH COURT OF JUDICATURE AT ALLAHABAD
CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION
U/S 482 BNSS No. - 2375 of 2025

Arun Kumar Yadav
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s) : Jitendra Kumar Srivastava
Counsel for Opposite Party(s) : G.A., Pushpendra Kumar
Yadav

With

CRIMINAL MISC. ANTICIPATORY BAIL APPLICATION
U/S 482 BNSS No. - 2551 of 2025

Shiv Prakash Singh
.....Applicant(s)

Versus

State of U.P. and Another
.....Opposite
Party(s)

Counsel for Applicant(s) : Jitendra Kumar Srivastava
Counsel for Opposite Party(s) : G.A., Pushpendra Kumar
Yadav

Court No. - 71

HON'BLE DR. GAUTAM CHOWDHARY, J.

1. List revised. Illness slip has been sent by Sri Jitendra Kumar Srivastava, learned counsel for the applicant. Heard Sri Puspendra Kumar Yadav, learned counsel for the informant, learned A.G.A. for the State and perused the record.
2. The present anticipatory bail application has been moved by the applicant **Arun Kumar Yadav** seeking anticipatory bail in Case No. 104755 of 2024 (State Vs. Shiv Prakash Singh and another) arising out of Case Crime No.411 of 2020 under Sections 420, 467, 468, 471 I.P.C. Police Station Cantt., District Varanasi, with the prayer that in the event of arrest, applicant may be released on bail, whereas another co-accused

namely, **Shiv Prakash Singh** has also moved Criminal Misc. Anticipatory Bail Application No.2551 of 2025 with a prayer that in the event of arrest, he may be released on bail in the aforesaid case crime.

3. It has been averred in the instant anticipatory bail application that another co-accused Shiv Prakash Singh, who has also filed Criminal Misc. Anticipatory Bail Application under Section 482 No. 2551 of 2025 (Shiv Prakash Singh Vs. State of U.P. and another) and the opposite party no.2 are cousin. The father of co-accused Shiv Prakash Singh had formed a society in the name of Jay Prakash Smarak Sewa Samiti, Varanasi which society runs a degree college in the name of Jay Prakash Degree College Umraha, District Varanasi. It has also been averred that since formation of society and degree college, the opposite party no.2 was the Manager of the institution and that the opposite party no.2 had created a Trust in the name of Narayan Foundation Trust as back as on 17.12.2012. The opposite party no.2 passed a resolution, whereby the management of the college from society was transferred to trust. When the father of the co-accused Shiv Prakash Singh came to know about the same, he filed a complaint against the opposite party no.2 and the concerned authority discarded the claim of the opposite party no.2 vide its letter dated 07.12.2020, which was challenged by the opposite party no.2 by means of filing a Writ-C No. 6267 of 2021 and the same was disposed of vide order dated 24.08.2021 with the direction to the Vice-Chancellor of the University to decide the issue as to whether the society will run the college or the trust. Pursuant to the order dated 24.08.2021, the Vice-Chancellor of the University passed an order dated 22.09.2022 by which, it was decided that the society will run a college, which order was again challenged before this Court by means of filing a Writ-C No. 35495 of 2022 in which, no interim order has been granted. The father of co-accused Shiv Prakash lodged a first information report against the opposite party no.2 in Case Crime No. 509 of 2017 under Sections 419, 420, 467, 468, 471, 406 I.P.C., Police Station Sarnath, District Varanasi. However, the opposite party no.2 was granted bail in Case Crime No. 509 of 2017 by a co-ordinate Bench of this Court vide order dated 07.04.2023 passed in Criminal Misc. Bail Application No.

6990 of 2023, copy of which order is annexed as Annexure-8 to the affidavit accompanying the application. Thereafter, the opposite party no.2 filed a series of litigation before the concerned authority but he failed to get any relief from any corner. Being annoyed with the same and to wreck vengeance, the opposite party no. 2 filed an application under Section 156 (3) Cr.P.C., which was treated as a complaint case, in which after recording of statements under Sections 200 and 202 Cr.P.C., the co-accused Shiv Prakash Singh and his father were summoned, thereafter non-bailable-warrants were issued, which was challenged by the co-accused Shiv Prakash Singh by means of filing an application under Section 482 Cr.P.C. No. 22210 of 2024 and the co-ordinate Bench of this Court vide order dated 22.01.2025 granted no coercive order in favour of the co-accused Shiv Prakash Singh. When the opposite party no.2 could not cause harm and harassment to the co-accused Shiv Prakash Singh, then an ill-will developed in his mind and as such the opposite party no.2 lodged a first information report in Case Crime No. 411 of 2020 under Section 420, 467, 468, 471 I.P.C., at Police Station Cantt. District Varanasi, which was challenged by the co-accused Shiv Prakash Singh by way of filing a Criminal Misc. Writ Petition No. 14905 of 2023 (Shiv Prakash Singh and another Vs. State of U.P. and others) and the Division Bench of this Court, vide order dated 28.10.2023 has been pleased to grant protection till the next date of listing or till submission of police report under Section 173 (2) Cr.P.C. whichever is earlier, copy of which order is annexed as Annexure-16 to the affidavit accompanying the application. It has also been averred that the averments as made in the application under Section 156 (3) Cr.P.C., though the same was treated as complaint as well as the F.I.R. lodged against the applicant. It has also been argued that the applicant is innocent and they have an apprehension that they may be arrested in the above-mentioned case, whereas there is no credible evidence against them. It has also been averred that there is no credible evidence against the applicants and that no coercive process has been issued against the applicants so far. It has also been averred that the applicants undertake to co-operate during trial and would appear as and when required by the investigating agency or Court. It is stated that in case, the applicants are granted

anticipatory bail, they shall not misuse the liberty of bail and will co-operate with the investigation and would abide with the conditions of bail.

4. Learned A.G.A. has opposed the application for anticipatory bail.

5. Learned counsel for the informant has contended that the applicants' counsel has sent illness slip before this Court but at the same time, he has put in appearance in Special Appeal Defective No. 66 of 2026 before the Court of Hon'ble The Chief Justice and in this regard, learned counsel for the informant has produced before the Court the appearance slip of that case, demonstrating that Sri Jitendra Kumar Srivastava, learned counsel for the applicant was assisting Sri Gajendra Pratap, learned Senior Counsel in the aforesaid case. Photo copy of the said appearance slip is taken on record. Besides the said conduct of learned counsel for the applicants, learned counsel for the informant has also argued that on one hand, the instant anticipatory bail applications were filed before this Court, whereas on the other hand, after submission of charge sheet in the aforesaid case, the accused-applicant Arun Kumar Yadav along with one another has challenged the charge sheet dated 05.12.2024 by means of filing Application U/S 528 BNSS No. 5350 of 2025, in which the co-ordinate Bench of this Court vide order dated 18.09.2025 had stayed the further proceedings against the applicants till the next date of listing. Learned counsel further argued that once the proceedings against the applicants have been stayed, then there is no apprehension of arrest of the applicants and therefore the instant anticipatory bail application is liable to be rejected.

6. Since interim protection has already been granted in favour of the applicants vide order dated 18.09.2025 passed in Application U/S 528 BNSS No. 5350 of 2025, therefore there is no apprehension of arrest of the applicants.

7. Accordingly anticipatory bail applications moved on behalf of the applicants **Arun Kumar Yadav and Shiv Prakash Singh** are rejected.

8. Before parting with the matter, the Court takes into consideration the conduct of Sri Jitendra Kumar Srivastava,

learned counsel for the applicants. This Court takes note of the fact that the applicants had filed instant anticipatory bail applications before this Court as back as in the 1st quarter of the year 2025. Perusal of the order sheets of both the applications reveals that since the date of filing of both the anticipatory bail applications, the cases have either been adjourned on the request of learned counsel for the applicants or the counsel for the applicants remained absent, except appearing before the Court on few dates. During the pendency of the anticipatory bail applications, Sri Jitendra Kumar Srivastava, learned counsel for the applicants has also filed Application U/S 528 BNSS No. 5350 of 2025 (Arun Kumar Yadav and another Vs. State of U.P. and another) in which interim protection has been granted in favour of the applicants and thus there is no apprehension of arrest of the applicants. Furthermore, today when the case was taken up Sri Jitendra Kumar Srivastava, learned counsel for the applicants has sent his illness slip, whereas he has put in appearance in Special Appeal Defective No. 66 of 2026 (Committee of Management, Jai Prakash Degree College Vs. State of U.P. and 4 others). Learned counsel for the applicants made no effort to apprise the Court of the correct status of the matter, as such this Court takes serious note of the same. The conduct of the counsel for the applicants demonstrate that the counsel for the applicants makes an attempt to deceive the Court that amounts to interference with the administration of justice especially when numbers of fresh cases are being filed everyday and the Courts are already overburdened with the pendency of cases. Being officer of the Court, it is the duty of the learned counsel to assist the Court with true facts so as to save the precious time of the Court. By the conduct offered by learned counsel for the applicants, precious time of the Court has been wasted in the instant case. Thus this Court is of the view that costs of Rs. 20,000/- be imposed upon Sri Jitendra Kumar Srivastava, learned counsel for the applicants.

9. Accordingly, the costs of Rs. 20,000/- is imposed upon Sri Jitendra Kumar Srivastava whose Advocate Roll No. A/J-0185 of 2012, learned counsel for the applicants because of his conduct offered. The amount of cost shall be deposited before the High Court Legal Services Committee, Allahabad, within a

period of one month from today. In case, the amount of costs is not deposited within the aforesaid stipulated time, the Secretary High Court Legal Services Committee, Allahabad shall refer the matter before Bar Council of U.P. for taking an appropriate action against him.

10. Office is directed to communicate the order passed by this Court to Sri Jitendra Kumar Srivastava whose Advocate Roll No. A/J-0185 of 2012 as well as to the concerned Court below forthwith.

(Dr. Gautam Chowdhary,J.)

March 24, 2026
S.Ali