OFFICE OF THE DISTRICT JUDGE, PRAYAGRAJ.

ADMIN. ORDER NO. 545 **Dated: August 01 ,2026**

ORDER

While enclosing herewith a pdf copy of **Judgment/Order dated 27.01.2026** passed by **Hon'ble High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 45385 of 2025 titled Jagroop Vs. State of U.P.** Hon'ble High Court, vide order dated 27.01.2026 considering the legal provisions(Section 485 & 486 of BNSS) has held that **a person can submit his sureties for more than one accused in same case or different case, subject to satisfaction of Court regarding his sufficiency and fitness. Therefore, there is no bar for a person to stand as surety for more than one accused person for their release on bail, subject to his sufficiency or capacity.**

Hon'ble Court has further directed **to adopt the format of declaration prevalent in district Mathura wherein in clause V, detail of cases in which the person has taken surety including the case in question has been mentioned and declaration should not contain the averments that sureties will not stand as surety for any other accused person unless his surety is not sufficient for want of valuation or capacity** and instructions to communicate the directions of **Order/judgement dated 04.05.2026** passed by the **Hon'ble High Court** in the aforementioned case to all the Judicial Officers working under supervision and Administrative control of undersigned for information and strict compliance has been provided.

II. In compliance of Hon'ble Court's above directions, following order is being passed with immediate effect:

(a) The System Officer is directed to provide a soft/pdf copy of **Order/judgment dated 27.01.2026** passed by the **Hon'ble High Court** in the aforementioned case as well as Hon'ble High Court's Letter No. **9866/Admin G-II, Dated 30.07.2026** to all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.

(b) A hard-copy of above mentioned Order dated **27.01.2026** passed by the **Hon'ble High Court** in the aforementioned case as well as **Hon'ble High Court's Letter No. 9866/Admin G-II, Dated 30.07.2026** be also circulated among all the Judicial Officers working under control of undersigned for information & strict compliance in letter & spirit.

(c) In compliance of order/judgement dated 12.08.2025 passed by Hon'ble High Court in Crl. Misc. Application u/s 528 BNSS No. 6400 of 2025 titled Smt. Bacchi Devi Vs State of UP And Another, a meeting of all Judicial Officers of the Judgeship is convened on **07.08.2026** at **4.35 PM**, in the **Meeting Hall,** situated at the II-Floor of Newly constructed 24-Court Room Building of District Court Prayagraj for discussion and deliberation regarding compliance of **order/Judgement dated 27.01.2026** passed by **Hon'ble High Court of Judicature at Allahabad in Criminal Misc. Bail Application No. 45385 of 2025 titled Jagroop Vs. State of U.P.** All the Judicial Officers of the Judgeship are directed to participate in the said meeting.

Inform all concerned for strict compliance.

01-8-2026

(Divaker Dwivedi)
Incharge District Judge
Prayagraj.

Dated: August 01 ,2026

Through e-mail

From,

Manjeet Singh Sheoran, HJS
Registrar General
High Court of Judicature at,
Allahabad

To,

All the District and Sessions Judges/OSD
All the Principal Judges, Family Courts
All the Presiding Officers of Commercial Courts, MACTs & LARRAs
State of Uttar Pradesh

Letter No. 9866 **/Admin G-II** **Dated** 30/7**/2026**

Sub: Regarding compliance of the order/ judgment dated 27.01.2026 passed by this Hon'ble Court in Criminal Misc. Bail Application No. 45385 of 2025, Jagroop V/s State of U.P.

Madam/Sir,

During the course of hearing of aforesaid case, this Hon'ble Court vide order dated **27.01.2026 (pdf copy enclosed)**, has examined the key issue as to ***whether a person can take sureties of more than one person in bail(s).***

Considering the relevant legal provisions (Section 485 & 486 of BNSS), the Court has held that ***a person can submit his sureties for more than one accused in same case or different case, subject to satisfaction of Court regarding his sufficiency and fitness. Therefore, there is no bar for a person to stand as surety for more than one accused person for their release on bail, subject to his sufficiency or capacity.***

The Court has further directed all the District Courts ***to adopt the format of declaration prevalent in district Mathura wherein in clause V, detail of cases in which the person has taken surety including the case in question has been mentioned and declaration should not contain the averments that sureties will not stand as surety for any other accused person unless his surety is not sufficient for want of valuation or capacity.***

In this regard, I am directed by Hon'ble Court to send the **pdf** copy of the aforesaid order dated **27.01.2026** passed by Hon'ble Court along with the **format of declaration prevalent in Mathura district** to your goodself for onward circulation of the same amongst all the Judicial Officers of your judgeship for their information and strict compliance.

Encl. As above

With Regards,

Yours faithfully,

28.7.26

Registrar General

No. **/Admin G-II** **Dated** **/2026**

Copy to **The Director, Judicial Training and Research Institute, Lucknow** for information.

With Regards

Registrar General

2026:AHC:18053

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 45385 of 2025

Jagroop

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Amrita Kashyap, Rohit Shukla
Counsel for Opposite Party(s)	:	G.A.

Court No. - 69

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Rohit Shukla, learned counsel for the applicant, Sri Anand Pratap Singh, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.774 of 2025, under Sections-229, 233, 237, 246, 318(2), 318(4), 338, 336(3), 340(2) of BNS, 2023, Police Station-Kasaya, District-Kushinagar, during the pendency of the trial.

3. This matter was heard on 12.01.2026. On that date, court passed the following order:

"Put up this case in the week commencing 27.1.2026 as fresh, enabling the learned A.G.A. to seek instructions regarding status of the investigation as well as the fact whether there is any bar that a person cannot be the surety in more than one cases if the value of his land or property is more than the sureties taken by him.

Learned A.G.A. will also seek instruction regarding the amount of surety furnished by the applicant and the total value of the land of the applicant adduced to furnish sureties in different case crime numbers.

On the next date, the I.O. of this case shall remain present before this Court along with the relevant record."

4. In compliance of the order dated 12.01.2026, I.O., Sri Brahm Kumar Upadhyay, Sub-Inspector is present and has handed over

the instructions to the learned AGA and learned AGA has apprised the court that apart from 10 cases mentioned in the FIR, the applicant has also submitted his surety in other cases but the detail of other cases could not be obtained because of non-availability of bail orders but learned AGA admitted on the basis of instruction that valuation of the property of applicant is about Rs.18.70 lakhs.

5. Learned counsel for the applicant has submitted that valuation of the property of the applicant on which the applicant has taken the surety of the accused is of 18.70 lakhs, therefore, applicant can take sureties for more than one accused in view of Section 441A Cr.P.C. (Section 486 of BNSS) so long as the valuation of property is more than the total surety. It is further submitted by learned counsel for the applicant that in the case of forgery committed, during proceeding of a court and in view of the bar u/s 215 BNSS regarding the offence u/s 229, 233, 236, 237, 242 to 248 and 267 of IPC, cognizance can be taken only on the basis of complaint not on the basis of FIR. It is further submitted by learned counsel for the applicant that Sections 318(2), 318(4), 338 BNSS are in the category of non-cognizable offence for which FIR cannot registered. Therefore, applicant is entitled to be released on bail.

6. Per contra, learned A.G.A. has vehemently opposed the prayer for bail and submitted that though the offences as mentioned above by the learned counsel for the applicant are non-cognizable under BNSS but Sections 336 (3) and 340 (2) of BNSS are cognizable offence whether the case made out under these sections or not that can be seen at the time of framing of charge and also submitted that a person cannot be sureties in more than one case but the learned AGA could not dispute that there is no provision which prohibits a person to become surety of more than one accused in more than one case so long as the valuation of property is more than total value of surety. Learned AGA has also submitted that the applicant filed a declaration before the court below while taking sureties in different cases as required by Section 441A Cr.P.C. (corresponding Section 486 BNSS) wherein it is specifically mentioned by the applicant that he has not taken

bail of any other accused and he will also not submit a surety for any other accused in any other case. Therefore, *prima facie* applicant has filed false affidavit before the trial court while taking bail sureties of different accused persons.

7. Considering the aforesaid submission, a legal question arises, "Whether a person can take sureties of more than one person in bail(s)?" Section 485 of BNSS (Section 441 of Cr.P.C.) provides that on releasing a person on bail bond, one or more sufficient sureties should be submitted on behalf of the accused for undertaking that the person released on bail shall attend the court at the time and place and concerned court can determine sufficiency or fitness of sureties. Section 485 of BNSS is being quoted as under:

*"**485. Bond of accused and sureties.—***

(1) Before any person is released on bond or bail bond, a bond for such sum of money as the police officer or Court, as the case may be, thinks sufficient shall be executed by such person, and, when he is released on bond or bail bond, by one or more sufficient sureties conditioned that such person shall attend at the time and place mentioned in the bond, and shall continue so to attend until otherwise directed by the police officer or Court, as the case may be.

(2) Where any condition is imposed for the release of any person on bail, the bond or bail bond shall also contain that condition.

(3) If the case so requires, the bond or bail bond shall also bind the person released on bail to appear when called upon at the High Court, Court of Session or other Court to answer the charge.

(4) For the purpose of determining whether the sureties are fit or sufficient, the Court may accept affidavits in proof of the facts contained therein relating to the sufficiency or fitness of the sureties, or, if it considers necessary, may either hold an enquiry itself or cause an inquiry to be made by a Magistrate subordinate to the Court, as to such sufficiency or fitness."

8. Similarly, Section 486 of BNSS (corresponding Section 441A of

Cr.P.C.) further provides that while a person standing surety to an accused for his release on bail shall make a declaration before the court as to the number of persons to whom he has stood as surety along with the other details. Section 486 of BNSS is being quoted as under:

*"**486. Declaration by sureties.—***

*Every person standing surety to an accused person for his release on bail, shall make a declaration before the Court **as to the number of persons to** whom he has stood surety including the accused, giving therein all the relevant particulars."*

9. From the perusal of above mentioned Sections 485 and 486 of BNSS, it is clear that a person can submit his sureties for more than one accused in same case or different case, subject to satisfaction of court regarding his sufficiency and fitness. Therefore, there is no bar for a person to stand as surety for more than one accused person for their release on bail, subject to his sufficiency or capacity.

10. In the present case, court found that the declaration u/s 486 BNSS submitted by the applicant shows that the format prevalent in district judgeship Kushinagar is containing the clause that a surety who has taken surety, has not submitted his surety for any other accused person and he will not take surety in any other case. Just to inquire whether this format has been issued by the High Court, this Court summoned the Registrar General of this Court, who apprised this Court that no such format regarding declaration of sureties as per Section 486 BNSS (441A Cr.P.C.) has been issued by the High Court. Therefore, this Court also obtained prevalent format of declaration by sureties as required by Section 486 BNSS from district-Bulandshahar, district-Mathura, district-Sambhal and on perusal of these formats, court was surprised that there is no uniformity in all these formats and the format of declaration used in district judgeship Bulandshahr, district judgeship Sambhal are contrary to provision of Section 486 BNSS (Section 441A Cr.P.C.) as these formats contain the clause that

the sureties has not submitted bail sureties in any other case. However the format of declaration prevalent in district Mathura appears to be in consonance with Section 486 BNSS wherein it is mentioned in clause V "The detail of other cases in which the sureties has been submitted in bail by the person making declaration."

11. Because of printed proforma prevalent in different district courts which were not in consonance with Section 486 BNSS, sureties have filed incorrect declaration mistakenly, that they have not submitted bail surety in any other case despite the fact that these sureties have submitted their bail sureties in different other cases and in several cases, FIRs have been lodged against the sureties on the ground that they have taken sureties for more than one accused person but has filed a declaration before the court that they have not taken bail sureties of any other person.

12. Therefore, this Court issues direction to all district courts to adopt the format of declaration prevalent in district Mathura wherein in clause V, detail of cases in which the person has taken surety including the case in question has been mentioned and declaration should not contain the averments that sureties will not stand as surety for any other accused person unless his surety is not sufficient for want of valuation or capacity.

13. Now coming to the facts of present case, considering the aforesaid submission and taking into account that *prima facie* the value of the property of the applicant is more than the sureties taken by him and there is no bar in Cr.P.C. or BNSS to take sureties of more than one person in bail so long the valuation of property is higher than the total value of surety, therefore, applicant is entitled to be released on bail. However, for filing the false affidavit before the court as mentioned by the learned AGA, the concerned court is free to proceed against the applicant, in accordance with law as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs**

Central Bureau of Investigation reported in **2025 SCC OnLine SC 3038** and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

14. Let the applicant- **Jagroop,** involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. 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 from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

15. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

16. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

17. It is made clear that the applicant shall be released on the basis of computer generated copy of this order, downloaded from the official website of High Court Allahabad and verified by the concerned counsel with the undertaking that the certified copy will be filed within 15 days.

18. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

19. Office is directed to send a copy of this order to the applicant through concerned Jail Superintendent via e-mail or e-prison portal in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021 decided on 31.01.2023** reported in **(2024) 10 SCC 685.**

20. **Registrar General** is directed to circulate a copy of this order to all District Judges of U.P. for necessary compliance.

21. Personal appearance of Sri Brahm Kumar Upadhyay, Sub-Inspector, is exempted.

(Arun Kumar Singh Deshwal,J.)

January 27, 2026
S.C.

Digitally signed by :-
SHUBHAM CHAURASIA
High Court of Judicature at Allahabad

बार एसोसिएशन मथुरा

हलफिया बयान

फोटो

क्रमांक-

न्यायालय श्रीमान्.....

(मजिस्ट्रेट का पदनाम).....

थानाः..... FIR नं.....

धाराः.....

राज्य बनाम.....

शपथ पत्र

मैं.....(जमानती का नाम) पुत्र/पत्नी.....

निवासी.....

आयु लगभग.....वर्ष, शपथपूर्वक निम्नलिखित बयान करता/करती हूँ:

1. यह कि मैं उपरोक्त मामले में अभियुक्त.....का/की..... (संबंध, जैसे-भाई/पिता) हूँ।
2. यह कि मैं अभियुक्त को पिछले.....वर्षों से जानता/जानती हूँ।
3. यह कि मैं ऊपर दिए गए पते का निवासी हूँ और मेरे पास मतदाता पहचान पत्र/आधार कार्ड संख्या..... .....है।
4. यह कि मैं जमानतदार बनने के लिए पूरी तरह से तैयार हूँ और मैंने this Form No 45 of CrPC 441 के अनुसार बॉण्ड भरा है।
5. यह कि मैंने आज तक कुल.....मामलों में जमानत दी है, जिसमें यह मामला भी शामिल है।
6. यह कि मैं इस बात की गारंटी लेता/लेती हूँ कि अभियुक्त पेशी पर न्यायालय के समक्ष उपस्थित होगा।
7. यह कि मैं यह भी शपथ लेता हूँ कि मेरे द्वारा दी गई संपत्ति/दस्तावेज़ (संपत्ति का विवरण/PAN) वैध है और मैंने कोई भी जानकारी छुपाई नहीं है।

शपथकर्ता (जमानती)

हस्ताक्षरः.....

नामः.....

BAR ASSOCIATION MATHURA AT ALLAHABAD