

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14291 of 2023

Applicant :- Yasvir Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Sapan Kumar Singh, Murli Dhar Yadav, Swati Agrawal Srivastava

Counsel for Opposite Party :- G.A., Anil Kumar Tiwari, Gopal Das Srivastava, Murli Dhar Yadav, Sapan Kumar Singh

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by the counsel for the applicant is taken on record.
2. Heard counsel for the applicant, Sri Prabhat Kumar Tiwari, Advocate holding brief of Sri Anil Kumar Tiwari, learned counsel for the informant and Sri Neeraj Kumar Sharma, learned A.G.A. for the State-respondent.
3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 49 of 2023, under Section 307, 120B, 195 IPC, Police Station-Line Bazar, District- Jaunpur, during pendency of the trial.
4. Counsel for the applicant submits that the applicant was not named in the first information report and has been falsely implicated in the instant case. The applicant was subsequently named in the statements of the first informant and injured. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injuries on the injured. It is next contended that co-accused, Johnason Yadav, Sachin Yadav @ Dev Yadav & Rajnish Yadav, have been granted bail by this Court in Criminal Misc. Bail Application Nos. 45101 of 2023, 41450 of 2023 & 15023 of 2023 vide orders dated 27.10.2023, 12.10.2023 & 02.08.2023 respectively. The case of the applicant is on better footing than that of other co-accused. The applicant is in jail since 31.01.2023, having no criminal history and in case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not

satisfactorily dispute the aforesaid submissions from the record.

6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that the applicant was not named in the first information report. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused injuries on the injured. The co-accused, Johnason Yadav, Sachin Yadav @ Dev Yadav & Rajnish Yadav, have been granted bail by this Court. Further, the applicant has no criminal antecedents and has remained confined for more than ten months and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- **Yasvir Yadav**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 7.12.2023

Aditya