

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 31343 of 2023

Applicant :- Durgesh Madheshia

Opposite Party :- State of U.P.

Counsel for Applicant :- Prashant Pratap Rao, Prince Kumar Srivastava, Raj Kiran Chaudhary

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Supplementary affidavit filed on behalf of applicant in the Court today is taken on record.
2. Heard learned counsel for the applicant, Sri Prince Kumar, learned counsel for the informant, learned AGA and perused the record.
3. In terms of the FIR, allegations were leveled against six unknown persons of causing gunshot injuries to the informant.
4. Learned counsel for the applicant has drawn the attention of the Court to the statement of eye witness, who has stated that the applicant was driving the motorcycle, whereas one Ranvijay Yadav was sitting as pillion has shot the fire. It is argued that the person who has assigned the role of firing by the eye witness has been enlarged on bail by this Court, vide order dated 7.8.2023 passed in Criminal Misc. Bail Application No. 30035 of 2023. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 23.3.2023.
5. Learned AGA has opposed the bail application.
6. Considering the fact that the co-accused has been enlarged on bail, the applicant is entitled to be enlarged on bail on the ground of parity. In view thereof, the application is allowed.
7. Let the applicant **Durgesh Madheshia** be released on bail in FIR No. 159 of 2023, under sections 307 and 120B I.P.C., P.S. Sahjanwa, district-Gorakhpur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court

concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) 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.

Order Date :- 9.11.2023

Faridul