

Court No. - 78

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34540 of 2023

Applicant :- Jokhan Prasad

Opposite Party :- State of U.P.

Counsel for Applicant :- Aalok Kumar Srivastava, Ajay Kumar Mishra, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Raj Beer Singh, J.

1. Heard Sri V.P. Srivastava, learned Senior Advocate, assisted by Sri Aalok Kumar Srivastava, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

2. The present bail application has been filed by the applicant-accused in case crime No.488 of 2023 (State vs. Jokhan Prasad), under Section 7 Prevention of Corruption Act, police station Kotwali, District Deoria with the prayer to enlarge the applicant on bail.

3. It has been argued by learned Senior Advocate that the applicant-accused is innocent and he has been falsely implicated in this case. The applicant was working as revenue inspector in tehseel deoria, district Deoria. As per prosecution version after "paimaish" of the land of the de-facto complainant the sign stone was fixed but the same was eliminated and in that connection the revenue authorities have directed the applicant to fix the said sign stone but the applicant has made demand of illegal gratification of Rs.25000/- from the de-facto complainant and thereafter, the de-facto complainant has made a complaint to Anti Corruption Cell and the applicant was apprehended while he has accepted an amount of Rs.25,000/- from the de-facto complainant. Learned

Senior Advocate has referred the various applications and orders, which have been annexed as Annexure No.5 and 6, and pointed out that in fact the applicant was continuously performing his duty in relation to dispute. Referring to the facts of the matter, it was submitted that there was absolutely no occasion on the part of applicant to demand the alleged kickback amount. Further, regarding same incident, one more first information report has been lodged on the next day at police station Anti Corruption, Gorakhpur. Lastly, it has been submitted that the applicant-accused is languishing in jail since 14.06.2023, having no criminal history, and that in case the applicant-accused is released on bail, he will not misuse the liberty of bail and will co-operate in trial.

4. Learned A.G.A. has opposed the bail application and submitted that while working as revenue inspector, the applicant was apprehended by a trap team while he has accepted an amount of Rs.25,000/- from the de-facto complainant.

5. Considering the submissions of learned counsel for the parties, nature of accusations, period of custody and all attending facts and circumstances of the case, without expressing any opinion on the merits of the case, the Court is of the view that a case for bail is made out. Hence, the bail application is hereby **allowed**.

6. Let the applicant-accused **Jokhan Prasad** involved in aforesaid crime be released on bail on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:

(i) The applicant-accused shall not tamper with the evidence during the trial.

(ii) The applicant-accused shall not pressurize/ intimidate the prosecution witness.

(iii) The applicant-accused shall appear before the trial court on the date fixed, unless personal presence is exempted.

(iv) The applicant-accused shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.

(v) The applicant-accused 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

7. In case of breach of any of the above condition, the Court concerned shall be at liberty to cancel bail of applicant-accused in accordance with law.

Order Date :- 21.11.2023

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