

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 34725 of 2023

Applicant :- Baccha Lal Pandey

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Bhriguram Ji, Ashutosh Kumar
Nishad, Sandip Kumar

Counsel for Opposite Party :- G.A., Rajesh Yadav

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned AGA for the State, Sri Nilesh Kumar Dubey holding brief of Sri Rajesh Yadav, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.159 of 2022, under Sections 419, 420, 406, 323, 504, 506, 467, 468, 471 IPC, Police Station Lalganj, District Mirzapur, during the pendency of trial.

3. Learned counsel for the applicant contended that the applicant has been falsely implicated in the present case due to ulterior motive. It is also contended that the co-accused, Toni Tripathi having similar role to that of the applicant has been enlarged on bail by a co-ordinate Bench of this Court vide order dated 05.12.2023 passed in Criminal Misc. Bail Application No.50933 of 2023, therefore, the present applicant is also entitled to be enlarged on bail considering the ground of parity. The applicant has no previous criminal antecedents to his credit. There is no likelihood of his abscondence or tampering with the evidence. He is in jail since 15.07.2023. In case the applicant is enlarged on bail, he will not misuse the said liberty.

4. Learned AGA as well as learned counsel appearing for the informant have opposed the prayer for bail. However, they could not dispute the aforesaid submissions advanced by the counsel for the applicant.

5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant - **Baccha Lal Pandey**, involved in the aforesaid case 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 subject to the conditions that he:

(i) shall appear on the date fixed by the trial court;

(ii) shall not tamper with the prosecution evidence;

(iii) shall not pressurize the prosecution witnesses.

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 :- 12.12.2023

Shahroz