

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 38565 of 2023

Applicant :- Balcharan Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawan Kumar Patel

Counsel for Opposite Party :- G.A.,Anurodh Tripathi

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicant, learned private counsel as well as learned A.G.A. for the State of U.P. and perused the record.
2. The instant bail application has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 60 of 2022, under Section 3(1) of the U.P. Gangsters and Anti Social Activities (Prevention) Act, 1986, Police Station Manchi, District-Sonbhadra, during the pendency of the trial.
3. Learned counsel for the applicant submits that according to the gang chart two cases have been shown against the applicant on which basis the proceedings of Gangsters Act have been initiated against the applicant, in that cases the applicant has been enlarged on bail. The bail orders have been annexed as Annexure No. 3 to the affidavit. It is further contended that the applicant is neither a gang leader nor a member of any gang. It is next contended that co-accused, Sanjay Yadav, who has also been challaned in the Gangster Act in the this crime has been granted bail by coordinate Bench of this Court vide order dated 10.8.2023. The applicant is in jail since 26.10.2023, in case he is enlarged on bail, he will not misuse the liberty.
4. Learned private counsel and learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Considering the rival submissions of learned counsel for parties and without expressing any opinion on the merits of the case, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is allowed.

6. Let the applicant- **Balcharan 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 tamper with the prosecution evidence;
- (ii) the applicant shall not pressurize the prosecution witnesses;
- and,
- (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 :- 1.11.2023

S.Verma