

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41551 of 2023

Applicant :- Jeetendra Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Keshari Nandan Singh

Counsel for Opposite Party :- G.A.,Kshitij Tiwari

Hon'ble Ajay Bhanot,J.

By means of the bail application the applicant has prayed to be enlarged on bail in Case Crime No.55 of 2023 at Police Station-Dhanapur, District- Chandauli under Sections 147, 148, 149, 323, 304, 308, 504, 34 IPC. The applicant is in jail since 26.04.2023.

The bail application of the applicant was rejected by the learned trial court on 29.08.2023.

The following arguments made by Shri V. P. Srivastava, learned Senior Counsel assisted by Shri Keshari Nandan Singh, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by and Shri Kshitij Tiwari, learned AGA from the record, entitle the applicant for grant of bail:

1. The F.I.R. arises out of an altercation between the parties over a petty neighbourhood dispute on account of drainage issue which suddenly escalated into a violent brawl.

2. The informant's side was the aggressor party. A number of persons from the applicant's side were injured and sustained serious injuries.
3. The F.I.R. assigns a general and vague role in the assault to the applicant.
4. Subsequently at a belated stage more specific role was sought to be given to the applicant and another accused person by the informant after due deliberations at the instigation of the some interested parties. The said statement was an afterthought and is unreliable.
5. Material contradictions in the statements of the first informant as well as the recitals in the F.I.R. discredit the prosecution case.
6. The applicant and his party acted in defence of their lives and limb and did not exceed their right of self defence.
7. The prosecution story is highly exaggerated, inasmuch as, the entire family of the applicant including the ladies have been nominated as accused.
8. Prosecution evidence does not connect the applicant with the offence.
9. The applicant has explained his criminal history. It is also contended that the applicant has become a soft target and a convenient scapegoat for the police authorities who nominated him in a false case to burnish their professional

credentials. The said case does not have any bearing on the instant bail application.

10. The applicant is not a flight risk. The applicant being a law abiding citizen has always cooperated with the investigation and undertakes to join the trial proceedings. There is no possibility of his influencing witnesses, tampering with the evidence or reoffending.

In the light of the preceding discussion and without making any observations on the merits of the case, the bail application is allowed.

Let the applicant- **Jeetendra Yadav** be released on bail in the aforesaid case crime number, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court below. The following conditions be imposed in the interest of justice:-

- (i) The applicant will not tamper with the evidence or influence any witness during the trial.
- (ii) The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.

Order Date :- 18.10.2023
Dhananjai