

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43074 of 2023

Applicant :- Brijesh Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Rakesh Kumar Upadhyay

Counsel for Opposite Party :- G.A., Bhupesh Kumar Singh

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Sri Rakesh Kumar Upadhyay, learned AGA for the State and perused the record.

2. In revise call, none is present on behalf of the informant.

3. By means of this bail application, applicant seeks bail in Case Crime No.226 of 2023, under Sections 307, 323, 325, 352, 504, 506 IPC, Police Station Rampur Karkhana, District Deoria, during the pendency of trial.

4. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is further contended that first information report is false, fabricated, manipulated, afterthought and concocted. The first information report has been lodged after four days delay of incident, for which no reasonable, sufficient and plausible explanation has been given by the prosecution. All the injuries are simple in nature, only one displaced fracture found on the temporal bone of head which has been kept under observation. Rest of the injuries were simple in nature and the same has also not been said that it is dangerous to life. As per the doctor's opinion, the injuries sustained by the victims is lesser number of accused persons. Applicant has no previous criminal antecedents to his credit. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 14.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

5. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid facts.

6. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail

application is allowed.

7. Let the applicant-**Brijesh Kumar Yadav**, involved in the aforesaid case crime 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.

8. 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 :- 17.11.2023

Vikram