

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43121 of 2023

Applicant :- Vikas Rajbhar @ Bhardwaj

Opposite Party :- State of U.P.

Counsel for Applicant :- Swati Agrawal Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Ajay Bhanot,J.

By means of the the bail application the applicant has prayed to be enlarged on bail in Case Crime No. 393 of 2022 at Police Station- Sagra, District- Varanasi, under Sections 147, 148, 149, 504, 506, 307, 302, 34 IPC and Section 7 Criminal Law Amendment Act. The applicant is in jail since 18.11.2022.

The bail application of the applicant was rejected by the learned trial court on 06.12.2022.

The following arguments made by Ms. Swati Agrawal Srivastava, learned counsel assisted by Ms. Mehzabi, learned counsel on behalf of the applicant, which could not be satisfactorily refuted by Shri Surendra Pratap Singh, learned counsel holding brief of Shri Prashant Sharma, learned counsel on behalf of the informant and Shri Suchit Tandon learned AGA from the record, entitle the applicant for grant of bail:

1. FIR assigns a vague and general role to the applicant in the incident.

2. The applicant was falsely nominated on account of a village rivalry.
3. The applicant has not been identified by the two eye witnesses in their testimonies before the trial court as the principal offender who inflicted the fatal injuries to the deceased.
4. The role of the applicant is distinguishable from the principal offenders who inflicted fatal injuries on the person of the deceased and have been so identified by the injured persons.
5. The applicant claims congruency in role and seeks parity in relief granted to the co-accused persons Suraj Yadav and Abhishek who have been enlarged on bail by this Court by orders dated 09.08.2023 in Criminal Misc. Bail Application No. 5589 of 2023 and 04.10.2023 in Criminal Misc. Bail Application No. 25756 of 2023 respectively.
6. The applicant has explained his criminal history. It is also contended that the applicant is a convenient scapegoat for the police authorities. The applicant has been falsely nominated in a number of cases only to show the proficiency of the police investigators. The said cases do not have any bearing on the instant bail application.
7. 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- **Vikas Rajbhar @ Bhardwaj** 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

Vandit