

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45591 of 2023

Applicant :- Adarsh Kumar Mishra

Opposite Party :- State of U.P.

Counsel for Applicant :- Om Prakash Yadav, Jitendra Kumar Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The FIR in question was lodged alleging that four named accused persons along with 8-10 accomplice had abducted the brother of the informant, namely, Kuldeep and one Maruti Nandan and had thrown them after causing injuries.
3. The Counsel for the applicant argues that one of the co-accused Prabhateshwar Mishra has been granted anticipatory bail by this Court vide order dated 22.09.2023. It is argued that the applicant was the conductor of the bus in which the abduction was said to have happened. It is argued that there are no statement of co-passengers to justify the allegations.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the fact that one of the co-accused has been enlarged on bail and the applicant was the conductor of the bus in question and there is no specific allegation, the applicant does not have any criminal antecedents and is in custody since 21.08.2023, I am of the view that the applicant is entitled to be released on bail.
6. Accordingly, the bail application is ***allowed***.
7. Let the applicant ***Adarsh Kumar Mishra*** be released on bail in FIR/ Case Crime No.0148 of 2023, under Sections 147, 149, 364, 323, 308, 504, 506, 120B IPC, Police Station Kydganj, District Prayagraj on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 30.10.2023

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