

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45378 of 2023

Applicant :- Deepak Yadav And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Hira Lal

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Hira Lal, learned counsel for the applicants, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No. 198 of 2023, under Sections 34, 147, 148, 323, 325, 326, 504, 506, 307 of the I.P.C, Police Station Saidpur, District - Ghazipur, during the pendency of trial.

3. Learned counsel for the applicant has submitted that the applicants are innocent and have been falsely implicated in the instant case. There are seven accused persons, out of which this applicant is with regard to two accused persons namely Deepak Yadav and Nagendra Yadav. On the basis of medical report, Section 308 I.P.C. has been added, thus the accused persons are also accused under Section 308 I.P.C. There are no criminal antecedent to the credit of accused persons. General role of appellants have been assigned to the accused persons. No specific role has been avert or stated by any of the witnesses. The applicants are in jail since 14.07.2023. In case, they are enlarged on bail, they will not misuse the said liberty.

4. Learned AGA has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions made by the counsel for the applicants.

5. Having regard to the submissions made but without commenting on merits of the case, this Court is of opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants - **Deepak Yadav** and **Nagendra Yadav**, involved in the aforesaid case crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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.

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 :- 16.11.2023

Vinod.