

**Court No. - 69**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 48820 of 2023

**Applicant :-** Vipina @ Vipin

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Bhanu Pratap Singh

**Counsel for Opposite Party :-** G.A., Vishvendra Singh

**Hon'ble Samit Gopal,J.**

1. List revised.
2. Heard Sri Rateesh Singh, Advocate holding brief of Sri Bhanu Pratap Singh, learned counsel for the applicant, Sri Vishvendra Singh, learned counsel for the first informant and Sri Virendera Pratap Singh, learned counsel for the State.
3. At the very outset learned counsel for the State submits that the applicant has a criminal history of ten cases which has neither been disclosed nor explained in the bail application and also the para 11(viii) of the affidavit is false in which it is stated that the applicant has also not been prosecuted in any criminal case. He submits that as such the bail application of the applicant be dismissed.
4. Para 11(viii) of the affidavit is a false averment given by the deponent that the applicant has not been prosecuted in any criminal case which is sworn on personal knowledge. The deponent of the affidavit is Rajesh Yadav the younger brother of the applicant.
5. In view of the same, the present bail application stands dismissed.
6. After passing this order learned counsel for the applicant prays that co-accused Jeete @ Jitendra has been granted bail by a co-ordinate Bench of this Court vide order dated 19.09.2023 passed in Crl. Misc. Bail Application No. 50178 of 2022 (Jeete @ Jitendra Vs. State of U.P.), copy of the order is annexed as annexure 6 to the affidavit.
7. Be that as it may the grant of bail of co-accused is not binding

on the Court. Moreso the said order states that he had a criminal history of six cases and he is on bail all the said cases but in the present case there is a false averment sworn on personal knowledge.

8. The bail application is thus dismissed on this count.

**Order Date :- 12.12.2023**

M. ARIF

(Samit Gopal, J.)