

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47663 of 2023

Applicant :- Bhagirath And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Jitendra Singh

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard 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.72 of 2023, under Sections 308, 504, 506 IPC, Police Station Panwadi, District Mahoba, during the pendency of trial.

3. It is contended by the learned counsel for the applicant that the applicants are innocent and have been falsely implicated in the present case. No specific role has been assigned to them. It is also contended that the co-accused, Kashiram has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 28.08.2023 passed in Criminal Misc. Bail Application No.33007 of 2023. He, therefore, contends that since the case of the present applicants is on the better footing to that of the aforesaid co-accused who has already been enlarged on bail, the applicants are also entitled to be enlarged on bail on the ground of parity. There is criminal history of three cases against the accused-applicant no.1 in which he has been enlarged on bail which has been explained in paragraph-15 of the affidavit filed in support of the bail application. It is further contended that there is criminal history of one case against applicant no.2 in which has been enlarged on bail which has been mentioned in paragraph-16 of the said affidavit. There is no likelihood of his abscondence or tampering with the evidence. The applicants are in jail since 04.10.2023 and in case they are enlarged on bail, they will not misuse the said liberty.

4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

5. Having regard to the facts, circumstances and 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. Accordingly, the bail application is allowed.

6. Let the applicants - **Bhagirath** and **Ramhet @ Ramhit**, involved in the aforesaid case 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 :- 8.11.2023

Shahroz