

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47551 of 2023

Applicant :- Govind Kumar Singh @ Govind Singh

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shashi Shankar Shukla, Shashi Shekhar Maurya

Counsel for Opposite Party :- G.A, Prakash Chandra Tripathi

Hon'ble Vivek Varma, J.

1. Supplementary affidavit filed by counsel for the applicant is taken on record.
2. Heard counsel for the applicant, Sri Sandeep Kumar Dubey, Advocate holding brief of Sri Prakash Chandra Tripathi, counsel for the informant and Sri Dinesh Tiwari, learned A.G.A. for the State-opposite party.
3. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No.0367 of 2023, under Sections 323, 341, 504, 506, 307, 352 and 34 of I.P.C., Police Station Shajanwa, District Gorakhpur during the pendency of the trial.
4. Counsel for the applicant contends that the applicant has been falsely implicated in the instant case. The incident is alleged to have occurred on 15.07.2023. The F.I.R. was lodged on 17.07.2023. The inordinate delay in lodging the F.I.R. is fatal to the prosecution case. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injuries to the two injured. Even in the statements of the two injured, the applicant has not been nominated as the principal offender. It is next contended that the co-accused, Ramanand Singh, having identical role, has been granted bail by this Court in Criminal Misc. Bail Application No. 40548 of 2023 vide order dated 18.09.2023. The applicant claims parity. The criminal history of the applicant has been explained in para no. 5 of the supplementary affidavit. The applicant is in jail since 10.10.2023, and if he is released on bail, he will not misuse the said liberty.
5. Learned A.G.A. and counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.

6. Having heard learned counsel for the parties and after perusal of the record, this Court prima facie finds that the F.I.R. was lodged belatedly. A vague and general role has been assigned to the applicant. The applicant has not been nominated as the principal offender who caused the injuries to the two injured. The co-accused, Ramanand Singh, having identical role, has been granted bail by this Court. Further, the applicant has remained confined for more than one month and after submission of the charge-sheet there is no hope of early conclusion of trial, and no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant- **Govind Kumar Singh @ Govind Singh**, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

8. 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 :- 22.11.2023
Sachin Mishra