

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48184 of 2023

Applicant :- Ajay Nishad

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashwani Kumar Pathak

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 as a missing person report. Subsequently, in the statement under Section 164 of Cr.P.C., the victim stated that she out of her own freewill had gone with the applicant.

3. Learned A.G.A. vehemently opposed the bail prayer.

4. Considering the statement under Section 164 of Cr.P.C., the version of the FIR does not corroborate with the prosecution story, the applicant has no criminal history and is in custody since 30.09.2023, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is **allowed**.

6. Let the applicant **Ajay Nishad** be released on bail in FIR/ Case Crime No.347 of 2023, under Sections 363, 366 IPC, Police Station Khajni, District Gorakhpur on his furnishing personal bonds and two reliable sureties of Rs.10,000/- 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 :- 8.11.2023

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