

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47759 of 2023

Applicant :- Amarjit Nishad

Opposite Party :- State of U.P.

Counsel for Applicant :- Manoj Kumar

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. In terms of the FIR, two persons were named for causing injuries on the victim, the applicant was not named in the FIR. Subsequently, in the statement of the victim, the name of the applicant surfaced of exhortation.
3. It is argued that two main co-accused have been enlarged on bail. The bail orders are on record as Annexure No. 10.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. In view of the fact that co-accused have been enlarged on bail and the history has been duly explained in para 22 of the bail application, and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial and without expressing any opinion on merit, I am of the view that the applicant is entitled to be released on bail on the ground of parity.
6. Accordingly, the bail application is allowed.
7. Let the applicant **Amarjit Nishad** be released on bail in FIR/ Case Crime No. 306 of 2021, under Sections 307, 120-B IPC, P.S. Gulriha, District Gorakhpur, on his furnishing personal bonds and two reliable sureties of Rs. 25,000/- 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

S.A.