

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48355 of 2023

Applicant :- Pawan Mishra @ Guddu Mishra And 2 Others

Opposite Party :- State of U.P.

Counsel for Applicant :- Akhilesh Kumar, Prem Narayan Singh, Sr. Advocate

Counsel for Opposite Party :- G.A., Shabana Nizam

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Anil Srivastava, learned senior advocate assisted by Sri Ram Bahadur, learned counsel for the applicants, learned AGA for the State, Smt. Shabana Nizam, learned counsel for the informant and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.34 of 2023, under Sections 323, 324, 506, 354B, 307, 308 IPC, Police Station Kapsethi, District Varanasi, during the pendency of trial.

3. Learned counsel for the applicants submits that general role has been assigned to the applicants. It is further contended that the injuries sustained by the informant side are simple in nature. It is also contended that the co-accused, Chandan Kumar Mishra has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 09.08.2023 passed in Criminal Misc. Bail Application No.30378 of 2023 and on which basis he claims parity as the case of the applicants is on the better footing to that of the aforesaid co-accused. The criminal history against applicant nos.1 and 3 has been explained in paragraphs-31 and 36 of the affidavit filed in support of the bail application. There is no likelihood of their abscondence or tampering with the evidence. The applicants are in jail since 10.10.2023. 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 have made a fit case for bail. Accordingly, the bail application is allowed.

6. Let the applicants - **Pawan Mishra @ Guddu Mishra, Deepak Mishra** and **Deenanath Mishra @ Avadh Narayan Mishra**, 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 :- 8.12.2023

Shahroz