

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48744 of 2023

Applicant :- Mohit Paswan

Opposite Party :- State of U.P.

Counsel for Applicant :- Arvind Prabodh Dubey, Puneet Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant who has filed supplementary affidavit on behalf of the applicant which is taken on record, learned AGA for the State 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.335 of 2022, under Sections 457, 380 IPC, Police Station Patherwa, District Kushinagar, during the pendency of trial.

3. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated in the present case. It is also contended that the co-accused persons have already been enlarged on bail by coordinate Benches of this Court vide orders dated; (i) 26.10.2023 passed in Criminal Misc. Bail Application No.43690 of 2023 (Rambhawan Sahani Vs. State of UP); (ii) 25.05.2023 passed in Criminal Misc. Bail Application No.15588 of 2023 (Sudheer Saini Vs. State of UP); (iii) 03.04.2023 passed in Criminal Misc. Bail Application No.10474 of 2023 (Sahil @ Kartik Vs. State of UP); (iv) 07.04.2023 passed in Criminal Misc. Bail Application No.7825 of 2023 (Dharmendra Yadav @ Koyala Vs. State of UP). He further submitted that since case of the applicant is at better footing to that of the aforesaid co-accused who have already been enlarged on bail, he is also entitled to be enlarged on bail on the ground of parity. It is also contended that there is criminal history against the applicant which has been registered subsequent to this case. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 06.07.2023. In case the applicant is released on bail, he will not misuse the said liberty.

4. The prayer for bail has been vehemently opposed by learned AGA. However, he could not dispute the aforesaid factual

aspects of parity to the co-accused.

5. Considering the facts, circumstances and the submissions made but without commenting on the merits of the case, this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity. Accordingly, the bail application is allowed.

6. Let the applicant - **Mohit Paswan**, involved in the aforesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the 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;

(iii) shall not pressurize the prosecution witnesses;

(iv) shall appear before the concerned SHO to show or establish his bona fide on any day of the first week of every month until further order of the trial court.

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 :- 23.11.2023

Shahroz