

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49293 of 2023

Applicant :- Shyam Kumar Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Shiv Shankar Pd Gupta, Girijesh Kumar Gupta

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, it is alleged that the informant was coming of his motorcycle with his friend, a Scorpio having 4-5 persons stopped the motorcycle and forcibly took the informant in the Scorpio and later on, brought the informant to a Dhaba which is allegedly owned by the informant. It is also alleged that he has been severely beaten at Dhaba and demanded Rs.1,00,000/- and subsequently, it was stated that they took away mobile phone and Rs.2200/- from his pocket and left the informant.
3. The contention of the Counsel for the applicant is that no offence against the applicant has been alleged, who is the owner of the Dhaba, except for the place used for beating the informant. He argues that no offence under Section 364A against the applicant is made out. The applicant has no criminal antecedents and is in custody since 16.08.2023.
4. Learned A.G.A. vehemently opposed the bail prayer.
5. Considering the submissions made at the bar, prima facie, the offence under Section 364A IPC against the applicant is not made, who is the owner of the Dhaba and the fact that the applicant has no criminal antecedents and is in custody since 16.08.2023 and there is nothing on record to demonstrate that the applicant if enlarged on bail, would in any way adversely affect the trial, 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 **Shyam Kumar Yadav** be released on bail in

FIR/ Case Crime No.0237 of 2023, under Section 364A IPC and Section 3/25 of the Arms Act, Police Station Saraima, District Azamgarh 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 :- 21.11.2023
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