

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 51143 of 2023

Applicant :- Ram Kumar @ Kumare

Opposite Party :- State of U.P.

Counsel for Applicant :- Surya Prakash Dubey, Ambika Prasad Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Shri Surya Prakash Dubey, learned counsel for the applicant and Shri Amar Nath Vishwarkarma, learned Brief Holder for the State-respondent.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.685 of 2010, under Sections 302/34, 364/34, 201/149 IPC Police Station Dumariyaganj, District Siddharthnagar, during pendency of the trial in the court below.

3. Learned counsel for the applicant submits that however FIR of the present case was lodged in the year 2010 but applicant was not named in the FIR and during investigation when nothing was found against him, charge-sheet was not filed against him and charge-sheet was filed against other accused persons but applicant was summoned under Section 319 Cr.P.C. on 30.09.2013 and against the summoning order he preferred a revision before this Court alongwith other accused persons bearing Criminal Revision No.2923 of 2013 (Sona Devi & 4 Others Vs. State of U.P. & Another) and on

08.11.2013 this Court was pleased to stay the summoning order passed against the applicant and others under Section 319 Cr.P.C. but unfortunately his counsel could not appear before this Court on 08.10.2018 and therefore, interim order granted earlier by this Court was vacated but unfortunately this fact could not be revealed to the applicant as his counsel never informed him and therefore earlier he could not appear before the court concerned and when he was arrested by the Police on 25.09.2023, he came to know that on 08.10.2018 stay order earlier granted by this Court has already been vacated.

4. He further submits that even till date the revision filed by the applicant and other accused persons is still pending.

5. He further submits that applicant is not having any previous criminal history and he is in jail in the present matter since 25.09.2023.

6. Per contra, learned Brief Holder for the State-respondent opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.

7. I have heard learned counsel for both the parties and perused the record of the case.

8. Considering the fact that applicant was summoned under Section 319 Cr.P.C. and earlier in the revision filed by him against the summoning order stay was granted and revision filed by him is still pending, in my view, applicant is entitled to be enlarged on bail.

9. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is **allowed**.

10. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

11. Let the applicant- **Ram Kumar @ Kumare**, be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

12. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

13. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 30.11.2023

Zafar