

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3118 of 2023

Applicant :- Ram Nohar

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home Lko.

Counsel for Applicant :- Alok Kr. Misra, Sharad Pathak

Counsel for Opposite Party :- G.A., Pankaj Kumar Tiwari

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sharad Pathak, the learned counsel for the applicant, Sri Jayant Singh Tomar, the learned AGA-I for the State, Sri Pankaj Kumar Tiwari, the learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 190 of 2022, under Sections 420, 467, 468, 471, 506 IPC, Police Station Khargupur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.08.2022 against seven persons, including the applicant, and some unknown persons, alleging that the applicant had wrongly got his name mutated on the basis of an unregistered will dated 02.07.1994 executed by the informant's father. The informant had filed an application for setting aside the exparte order dated 12.07.1994, which application was allowed by means of an order dated 26.07.1996. The applicant had filed an appeal against the order dated 26.07.1996 wherein an order was passed on 19.09.2006. The applicant executed a sale deed dated 28.02.2004 on the strength of the unregistered will.

4. The grievance of the informant is that the applicant wrongfully got his name mutated on the strength of a forged will dated 14.07.1992. The mutation was carried out vide order dated 12.07.1994 but the informant chose not to file any FIR at that stage rather he availed his remedies by assailing the mutation order. The applicant executed a sale deed on 28.02.2004 on the strength of the alleged forged will but the informant chose not to file an FIR even at that stage. Proceedings arising out of mutation of the applicant's name are continuing on different stages since then and thereafter a civil suit has been filed which is still pending consideration. The FIR

in question has been lodged on 03.08.2022.

5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view that fact that since the dispute regarding validity of the will of the subsequent sale deed executed by the applicant is subject matter of civil suit and the FIR has been lodged after a very long delay since passing of the mutation order and execution of the sale deed, I am of the view that the applicant is entitled to be released on bail in the aforesaid case.

7. Accordingly, this bail application stands ***allowed***.

8. Let the applicant-***Ram Nohar*** be released on bail in Case Crime No. 190 of 2022, under Sections 420, 467, 468, 471, 506 IPC, Police Station Khargupur, District Gonda on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

Order Date :- 12.10.2023

Pradeep/-