

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3702 of 2023

Applicant :- Mohd. Shahid @ Bau And Another

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko.

Counsel for Applicant :- Bhanu Pratap Singh, Ravindra Shukla

Counsel for Opposite Party :- G.A., Ajay Pratap Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ravindra Shukla, the learned counsel for the applicants, Sri Manish Kumar Pandey, the learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.373 of 2020, under Sections 147, 323, 504, 506, 325, 308 I.P.C., registered at Police Station Musafirkhana, District Amethi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.11.2020 against five person, including the applicant, stating that the accused persons had asked the informant's brother to sell the land in their favour and upon his opposition they had assaulted him causing an injury on his head.
4. In the affidavit filed in support of bail application it has been stated that the applicants are innocent and they have been falsely implicated in the present case.
5. The State has filed a counter affidavit stating that the applicant no.1 is involved in another case and the applicant no.2 is involved in four other cases.

6. The applicants have filed a rejoinder affidavit stating that the applicant no.1 has been given the benefit of Section 41-A Cr.P.C. and in respect of applicant no.2 it has been stated that the applicant no.2 has been acquitted in one case and has been granted benefit of Section 41-A Cr.P.C. in two cases and in one case he has not been summoned till date.

7. The learned counsel for applicant has submitted that the co-accused Nanhey has been granted anticipatory bail by learned Sessions Court and other two co-accused persons are juvenile and they have also been granted bail in the present case.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegations levelled against the applicants are similar to those levelled against those co-accused persons coupled with the fact that the applicant is languishing in jail since 22.02.2023 and without making any observation, which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicants on bail in the aforesaid crime on the ground of parity.

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

11. Let the **applicants-Mohd. Shahid @ Bau & Abu Ahmad @ Pappu** 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 magistrate/court concerned, subject to following conditions:-

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

- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi, J.)

Order Date :- 6.11.2023
Ram.