

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6358 of 2023

Applicant :- Vinod Kumar Nishad

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

Counsel for Applicant :- Hom Narayan Awasthi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Hom Narayan Awasthi, the learned counsel for the applicant, Sri Arpit Kumar, the learned AGA for the State and perused the records.

2. By means of the instant application the applicant Rahul Kori seeks bail in Case Crime No. 34 of 2023, under sections 394, 411, 120-B, I.P.C., P.S. Payagpur, District Bahraich.

3. The aforesaid case has been registered on the basis of a First Information Report lodged on 23.01.2023 alleging that two persons had attacked the informant's brother and had robbed Rs. 11,97,260.00 from him. The FIR further states that another person was standing nearby along with a motorcycle and after the incident all three persons ran away.

4. The Police claimed to have apprehended 5 persons including the applicant on 30.01.2023. Rs. 50,000/- and a country made pistol are said to have been recovered from the applicant.

5. The learned counsel for the applicant has stated that Lukam Nishad and Rahul Kori were also arrested along with the applicant and Rs. 40,000/- and Rs.20,000/- were recovered from them and they have been granted bail by means of orders dated 03.05.2023 and 19.09.2023, passed in Criminal Misc. Bail application Nos. 5177 of 2023 and 11214 of 2023 respectively. Co-accused Satya Pal Yadav has also been granted bail by means of an order dated 11.07.2023 passed by this Court in Criminal Misc. Bail Application No. 8670 of 2023.

6. In the affidavit filed in support of the bail application it has been stated that the applicant is innocent. He has been falsely implicated in the present case and he has no previous criminal history.

7. Having considered the aforesaid facts and circumstances of

the case, as co-accused persons charged with similar allegations have been granted bail in the present case, I am of the view that the applicant is also entitled to be released on bail on the ground of parity.

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

9. Let the **applicant-Vinod Kumar Nishad** be released on bail in the aforesaid Case Crime No. 34 of 2023, under sections 394, 411, 120-B, I.P.C., P.S. Payagpur, District Bahraich, on his 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.

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(Subhash Vidyarthi, J.)

Order Date :- 17.10.2023

Ram.