

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6606 of 2023

Applicant :- Pawan Kumar

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

Counsel for Applicant :- Pradeep Kumar Singh, Dhirendra Pratap Singh, Maheep Kumar Singh, Manoj Kumar, Virendra Singh

Counsel for Opposite Party :- G.A., Mithila Bakhsh Tiwari

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Virendra Singh, the learned counsel for the applicant, Sri Virendra Kumar, the learned A.G.A. for the State as well as Sri Mithila Bakhsh Tiwari, learned counsel for the informant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 167 of 2022, under Section 307, 323, 504, 506, 34 I.P.C., registered at Police Station Nigohan, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 18.07.2022 against four persons, including the applicant, stating that at about 9:15 pm on 17.07.2022, the accused persons had abused and assaulted the informant and his brothers. On the exhortation of co-accused Ramesh, co-accused Amit fired a shot with intention of killing the informant due to which he suffered an injury in his back.

4. 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 .

5. A supplementary affidavit has been filed on behalf of the applicant explaining his criminal history of 11 other cases as pointed out by the learned A.G.A.. In three cases he stands acquitted after trial, in four cases under Section 110 G Cr.P.C. stands closed after expiry of the stipulated period and in rest of the four cases he has been granted bail.

6. The learned counsel for the applicant has submitted that co-accused Ramesh Chand against whom the role of exhortation has been levelled has been granted

anticipatory bail by means of an order dated 23.11.2022 passed by a coordinate bench of this Court in Criminal Misc. Anticipatory Bail Application No.1966 of 2022. Another co-accused Bablu @ Deshraj, has been granted bail by means of an order dated 27.02.2023 passed by a coordinate bench of this Court in Criminal Misc. Bail Application No.10953 of 2022.

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the case set up against the applicant is similar to that set up against co-accused Bablu @ Deshraj, who has already been granted bail, coupled with the fact that the applicant is languishing in jail since 23.02.2023 and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the **applicant- Pawan Kumar** 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 the 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.

(Subhash Vidyarthi,J.)

Order Date :- 23.11.2023
Preeti.