

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 6714 of 2023

Applicant :- Rajendra Prasad Mishra

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

Counsel for Applicant :- Kuldeep Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Rejoinder affidavit has been filed on behalf of the applicant which is taken on record.
2. Heard Sri Kuldeep Bajpai, the learned counsel for the applicant as well as Sri Anurag Verma, the learned A.G.A-I for the State and perused the record.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 718 of 2022, under Section 406, 419, 420, 467, 468, 471, 504, 506 I.P.C. and amendment sections 409 and 109 I.P.C, registered at Police Station Kotwali Nagar, District Barabanki.
4. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.07.2022 against two persons, stating that the informant had invested some amount in Sangarsh Total Services and the accused persons had executed a sale deed in respect of a land in favour of the informant on 14.02.2022 but later it came to light that the accused persons have executed sale deeds in respect of lands exceeding the lands owned by them.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in 23 other cases in the affidavit, he has already been granted bail in 13 other cases.
6. A supplementary affidavit has been filed on behalf of the applicant annexing therewith copy of the relevant extract of case diary containing statement of one of the accused persons Atul Kumar Verma, who stated that the applicant used to work as his agent. He stated that in the year 2016, he had set up Sangarsh Solutions Pvt. Ltd. Company and the applicant was made a director of the company. However, in the year 2019, the persons forming the company split into two groups and the

applicant, Ajay Mihsra and Dinesh Kumar Yadav formed a separate group and they were removed from the company.

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 applicant is not named in the F.I.R and he has been implicated in the present case on the basis of statement of co-accused Atul Kumar Verma, who merely stated that, earlier the applicant was involved with him in establishing the company Sangarsh Total Solution Pvt. Ltd., which was split in the year 2019 and there is no allegation that the applicant possesses any position in Company Sankalp Trading Services, from which the informant had purchased the land; that the applicant has already been granted bail in 9 cases of similar nature, coupled with the fact that the applicant is languishing in jail since 31.10.2022 and without making any observations 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 applicant on bail.

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

10. Let the **applicant- Rajendra Prasad Mishra** 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.

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(Subhash Vidyarthi,J.)

Order Date :- 28.10.2023

Ram.