

Court No. - 9

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7779 of 2023

Applicant :- Sarvan alias Shravan Kumar and another

Opposite Party :- State of U.P. Thru. Prin. Secy. Home Deptt. Lucknow

Counsel for Applicant :- Abhay Raj Singh

Counsel for Opposite Party :- G.A.

Hon'ble Dinesh Kumar Singh,J.

1. Heard learned counsel for the applicants as well as Sri Ran Vijay Singh, learned A.G.A. and perused the record.
2. The present application under Section 439 Cr.P.C. has been filed seeking bail in FIR No.350 of 2023, under Sections 147, 148, 302, 504, 506 and 34 IPC, Police Station Kotwali, District Barabanki.
3. Learned counsel for the accused-applicant submits that co-accused, having similar role, has been granted bail by this Court vide order dated 17.5.2023 in Criminal Misc. Bail Application No.6443 of 2023. He, therefore, prays that accused-applicants are also entitled for bail on the ground of parity.
4. Learned AGA has opposed the prayer for bail, but not disputed the aforesaid facts.
5. Considering the fact that co-accused, having similar role, has been granted bail by this Court, it would be appropriate to enlarge the accused-applicants on bail.
6. Let applicants **Sarvan @ Sharvan Kumar and Ram Baran @ Lal Baran** be released on bail in the above case crime number on thier furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions:-

- (i) The applicants shall file an undertaking to the effect that they

shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicants shall remain present before the trial court on each date fixed, either personally or through their counsel. In case of their absence, without sufficient cause, the trial court may proceed against them under Section 229-A of the Indian Penal Code.

(iii) In case, the applicants misuse the liberty of bail during trial and in order to secure their presence proclamation under Section 82 Cr.P.C. is issued and the applicants fail to appear before the court on the date fixed in such proclamation, then the trial court shall initiate proceedings against them, in accordance with law, under Section 174-A of the Indian Penal Code.

(iv) The applicants shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against them in accordance with law.

Order Date :- 23.6.2023

Rao/-