

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8471 of 2023

Applicant :- Brijesh Kumar Pandey

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

Counsel for Applicant :- Sheo Prakash Singh, Arun Kumar Tripathi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

(Order on Bail Application)

1. Heard Sri Arun Kumar Tripathi, the learned counsel for the applicant as well as Sri Anant Pratap Singh, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 159 of 2023, under Section 419, 420, 467, 468, 471 I.P.C., registered at Police Station Lalganj, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 20.05.2021 alleging that the applicant had offered to get the informant appointed in case he arranges Rs. 2,70,000/- therefore, informant paid Rs. 15,000/- in cash to the applicant and the applicant provided him a fake appointment letter on the post of Manager of Bank of Baroda, Branch Lalganj, Ajhara. When the applicant went to join on the post on 20.05.2023, he came to know that the appointment letter was fake.
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 and he has no criminal history.
5. The State has filed a counter affidavit opposing the bail application.
6. In the Statement of the Bank Manager recorded by the Investigating Officer, he stated that the applicant had come with the informant, who had come to join

on the post of manager but by the time police could reached, he escaped.

7. The learned counsel for the applicant has filed short term bail application on the ground of his illness, on which a report was called by the Superintendent of Police, District Jail, Pratapgarh regarding his medical condition.

8. As per the report submitted by the Medical Officer, District Jail, Pratapgarh, the applicant is not keeping well and he remained admitted to the jail hospital from 10.06.2023 to 17.06.2023 and on 05.07.2023 to 11.08.2023. Thereafter, his condition deteriorated and he was shifted to the District hospital, Pratapgarh, from where he was referred to Swaroop Rani Nehru Hospital, Prayagraj on 15.08.2023. The applicant was discharged on 21.08.2023 but again his condition deteriorated and he was admitted to the District Jail, Pratapgarh on 24.08.2023, from where he was sent back to the Jail Hospital on 26.08.2023. On 16.09.2023, the applicant was again sent to the District Jail, Pratapgarh, from where he was referred to Prayagraj on 17.09.2023, where he remained admitted till 22.09.2023. The applicant had again been admitted to the District Jail, Pratapgarh on 02.10.2023, where he remained admitted till 07.10.2023 and 19.10.2023 he was sent on Swaroop Rani Nehru Hospital, Prayagraj for follow up action. He has complaint of vomiting blood, anxiety and respiratory problems.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact as per the allegations levelled in the F.I.R, prima facie it appears that it was the informant himself who tried to secure public employment by payment of bribe and he filed the F.I.R after having remain unsuccessful in his endeavor; that the informant alleges to have paid Rs. 15,000/- only in cash to the applicant and no date of the alleged payment has been mentioned in the F.I.R, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 21.05.2023 and he has repetitively falling seriously ill requiring his repetitive hospitalization and reference to higher center, I am of the

view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

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

12. Let the **applicant- Brijesh Kumar Pandey** 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.

(Order on Short Term Bail Application)

13. This is an application seeking release of the applicant on short term bail for a period of four months. As the applicant has already been granted bail therefore, the application has become infructuous.

14. Accordingly, the application is **dismissed as infructuous**.

(Subhash Vidyarthi,J.)

Order Date :- 30.11.2023

Preeti.