

Court No. - 27

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9265 of 2023

Applicant :- Heera Lal Alias Buddhu Alias Rohit

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

Counsel for Applicant :- Neha Singh, Kaushal Kishore

Counsel for Opposite Party :- G.A.

Hon'ble Brij Raj Singh, J.

1. Heard learned counsel for the applicant, Shri Rajesh Kumar Singh, learned AGA-I for the State, Shri Firoz Ahmad Khan, learned counsel for the complainant and perused the record.

2. The present bail application has been filed by the applicant Pramod Kumar @ Bodhey with a prayer to enlarge him on bail in Case Crime No.230 of 2022, under Sections 34, 120-B, 147, 148, 149, 302, 308, 323, 452, 504, 506 I.P.C., Police Station Haiderganj, District Ayodhya/Faizabad.

3. Learned counsel for the applicant has submitted that co-accused Vijay who is named in the FIR and has been assigned role of assault on the deceased, has been granted bail by this Court in Crl. Misc. Bail application No.9227 of 2023 on 30.11.2023. He has submitted that the applicant is not named in the FIR and his name has come in the statement under Section 164 CrPC otherwise, there is general role assigned to nine accused to cause injuries to the deceased with Lathi and Danda. He has further submitted that having similar role the co-accused Pramod Kumar @ Modhey has been granted bail by this Court in Crl. Misc. Bail Application No.4636 of 2023 on 24.5.2023, co-accused Sandeep Nishad has been granted bail in Crl. Misc. Bail Application No.5338 of 2023 on 5.7.2023, and co-accused Sanjay Nishad alias Ajay Kumar has been granted bail by this Court in Crl. Misc. Bail Application No.6315 of 2023 on 15.5.2023. He has submitted that the applicant has no criminal history and he is in Jail since 5.11.2022.

4. Learned AGA has opposed the prayer for bail and contended that the applicant is also involved in committing the offence, hence, his bail is liable to be rejected but could not dispute the fact that co-accused having similar role have been granted bail and the case of the applicant is at par with the co-accused.

5. Considering over all facts and circumstances of the case, the

argument that the co-accused having similar role have been granted bail and the case of the applicant is at similar footing, it is a fit case for bail.

6. Let the applicant, Heera Lal @ Buddhu @ Rohit be released on bail in the above case crime number on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned with the following conditions :-

(i) The applicant shall file an undertaking to the effect that he 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 applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

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

(iv) The applicant 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 him in accordance with law.

7. It is made clear that the observations made in this order are limited to the purpose of determination of this bail application and will in no way be construed as an expression on the merits of the case. The Trial Court shall be absolutely free to arrive at its independent conclusions on the basis of evidence led unaffected by anything in this order.

Order Date :- 15.12.2023

Rajneesh JR-PS)