Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11633 of 2023

Applicant :- Shiv Nath Singh
Opposite Party :- The State Of U.P.
Counsel for Applicant :- Surya Prakash Singh
Counsel for Opposite Party :- G.A.,Shadab Waheed,Syed Raza Mehdi

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Surya Prakash Singh, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.154 of 2022, under Sections 147, 148, 323, 504, 506, 452, 427, 325, 308 I.P.C., registered at Police Station Tarun, District Ayodhya (Faizabad).

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.06.2022 against seven named persons, including the applicant and his four brothers and an unknown person, alleging that accused persons were trying to forcibly take possession of the informant's land and they attacked the informant and his family members. Three persons have received injuries in the incident and one person received a head injury, which is grievous in nature. All the persons have assigned similar role to all the accused persons.

4. Applicant's involvement in another case has been disclosed in para 39 of the affidavit in which the applicant has been granted bail. Three co-accused persons, Sanjay Singh, Dinesh Singh and Kaushalendra Singh have already been granted bail in the present case by means of the orders dated 03.03.2023 passed in CRIMINAL MISC. BAIL APPLICATION Nos.10826 of 2022 and 11216 of 2022 respectively.

5. In the affidavit filed in support of 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.

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

7. Having considered the aforesaid facts and circumstances 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 in the aforesaid crime on the ground of parity.

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

9. Let the **applicant-**Shiv Nath Singh be released on bail in aforementioned case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of magistrate/court concerned, subject to 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 :- 2.11.2023
prateek

Digitally signed by :-
PRATEEK ARORA
High Court of Judicature at Allahabad,
Lucknow Bench