

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11663 of 2023

Applicant :- Devendra Pathak @ Dinnu

Opposite Party :- State Of U.P. Thru. Addl. Chief Secy. Deptt. Of Home U.P. Lko.

Counsel for Applicant :- Rama Pati Shukla, Avneesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ram Kinkar Upadhyay, learned counsel for the applicant, Sri Anurag Verma, learned A.G.A.-I 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. 294 of 2023, under Sections 394, 307, 411 and 120-B I.P.C., registered at Police Station Inayatnagar, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 03.07.2023 stating that three unknown persons had robbed Rs.98,286/-, a tab and bio-metric machine kept in a bag from the informant and two of them had fired towards the informant with a pistol but he did not receive any injury. The police claims to have arrested the applicant and Umesh Kumar on 04.07.2023 and it is alleged that some robbed articles were recovered from them. In the custodial confessional statements of the aforesaid two co-accused persons the name of Nikhil Vishwakarma has come to light.

4. 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.

5. Learned counsel for applicant has submitted that the applicant has no criminal history and after his arrest, the applicant has been implicated in two more cases in both of which the applicant has been granted bail.

6. A co-accused Amit Yadav alias Nangu has been granted bail by means of order dated 24.8.2023 passed by this Court in Criminal Misc. Bail Application No. 10598 of 2023.

7. It has also been submitted that the co-accused Nikhil Vishwakarma and Umesh Kumar alias Gabaddu have been granted bail by this court by means of an orders dated 03.11.2023 and 7.11.2023, passed in Criminal Misc. Bail

Application Nos.13013 of 2023 and 13150 of 2023.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that two co-accused persons have been granted bail and the applicant is languishing in jail since 04.07.2023 and without making any observation, 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 in the aforesaid crime.

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

11. Let the applicant- **Devendra Pathak alias Dinnu** be released on bail in the aforesaid case on his 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 :- 18.11.2023

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