

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12021 of 2023

Applicant :- Jitendra Kumar Mishra

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

Counsel for Applicant :- Mohammad Salman, Bhanu Pratap Kushwaha

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bhanu Pratap Kushwaha, the learned counsel for the applicant, Sri Amitabh Chaturvedi, the 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. 263 of 2022, under Sections 5/25 Arms Act, registered at Police Station Maholi, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.05.2022 against the applicant and one Dinesh @ Dinnu alleging that on the basis of information received from a mukhbir the police raided an open place where the accused persons were manufacturing illegal fire arms, however, the recovery has not been witnessed by any independent witness.
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 and he has no criminal history. It has also been submitted that the co-accused Dinesh @ Dinnu who was arrested along with the applicant and against whom similar allegations have been levelled has already been enlarged on bail by this court by means of an order dated 29.05.2023,

passed in Criminal Misc. Bail Application No.4267 of 2023.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has no previous criminal history and he is languishing in jail since 28.05.2022 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 on the ground of parity.

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

8. Let the **applicant-Jitendra Kumar Mishra** be released on bail in Case Crime No. 263 of 2022, under Sections 5/25 Arms Act, registered at Police Station Maholi, District Sitapur 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 :- 10.10.2023
Ram.