

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12028 of 2023

Applicant :- Bijendra Singh

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

Counsel for Applicant :- Alok Kumar Singh, Sanjay Singh Chauhan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sanjay Singh, the learned counsel for the applicant, Sri J.S. Tomar, 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. 448 of 2017, S.T. No.717 of 2018, under Sections 323/308/325/504 I.P.C., registered at Police Station Pasgawan, District Lakhimpur Kheri.
3. The aforesaid case has been registered on the basis of a non-cognizable report dated 08.12.2017 against three persons, including the applicant, alleging that the accused persons had beaten the informant and his nephew with sticks. After investigation the charge sheet was submitted against the other two co-accused persons only and they have been granted bail by means of an order dated 26.03.2019, passed by this court in Bail No.8661 of 2018. The applicant has been summoned subsequently under Section 319 Cr.P.C. and he is languishing in jail since 07.08.2023.
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.

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 initially the charge sheet was submitted against the other two co-accused persons only and not against the applicant; that the other two-accused persons have already been granted bail by this court and that the allegations against the applicant are similar to that levelled against two other accused persons who have already been granted bail; that the applicant has no previous criminal history and he is languishing in jail since 07.08.2023 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 on the ground of parity.

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

8. Let the **applicant-Bijendra Singh** be released on bail in Case Crime No. 448 of 2017, S.T. No.717 of 2018, under Sections 323/308/325/504 I.P.C., registered at Police Station Pasgawan, District Lakhimpur Kheri 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.