

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12226 of 2023

Applicant :- Himanshu Pandey Alias Shishir

Opposite Party :- State Of U.P. Thru. Secy. Home, Govt. U.P Lucknow

Counsel for Applicant :- Rajendra Prasad Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajendra Prasad Mishra, learned counsel for the applicant, the learned A.G.A. for the State and perused the records.

2. This is second bail application seeking release of the applicant on bail in Case Crime No.586 of 2021, under Section 304 IPC, registered at Police Station Kotwali Nagar, District Sultanpur.

3. First bail application No.8745 of 2021 was rejected by this Court by means of the order dated 20.03.2023. Subsequent to rejection of the bail application, statements of four prosecution witnesses, including the complainant, have been recorded by the trial court. Informant-P.W.-1 was not an eye witness of the incident and P.W.-2, 3 and 4 have been declared to be hostile. Nothing against the applicant has come to light even during their cross examination by the public prosecutor.

4. Keeping in view of 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.

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

6. Let the **applicant**-Himanshu Pandey Alias Shishir be released on bail in Case Crime No.586 of 2021, under Section 304 IPC, registered at Police Station Kotwali Nagar, District Sultanpur 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.

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(Subhash Vidyarthi, J.)

Order Date :- 13.10.2023
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