

Court No. - 14

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12169 of 2023

Applicant :- Brijesh Kumar Singh @ Ankur Singh

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

Counsel for Applicant :- Anuj Pandey, Ashish Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mohd. Faiz Alam Khan, J.

1. Vide order dated 12.10.2023 having regard to the submissions made by learned counsel for the applicant that the role of the instant applicant is identical to the role of co-accused persons Rakesh Singh, Neelesh Singh, Suresh Singh and Ravi Singh. Earlier the State was given an opportunity to verify these submissions. Thus there appears sufficient material on the basis of which the plea of bail of the applicant may be adjudicated.

2. Heard Shri Amit Kumar Singh, learned counsel for the accused-applicant as well as learned A.G.A. for the State and perused the record.

3. This bail application has been moved by the accused/applicant- **Brijesh Kumar Singh @ Ankur Singh** for grant of bail, in Case Crime No.203 of 2022, under Sections 147, 148, 149, 323, 324, 452, 504, 307, 302 I.P.C., Police Station Pooraqalandar, District Ayodhya/Faizabad, during trial.

4. Learned counsel for the accused-applicant while pressing the bail application submits that the applicant has been falsely implicated in this case and he has not committed any offence as claimed by the prosecution.

5. It is further submitted that general role of assault with lathi-danda, iron rod and sharp-edged weapons have been assigned to all the accused persons named in the F.I.R., who are ten in numbers, however, no specific role or overact has been assigned to any of the accused persons by any prosecution witness including those, who are shown to have been injured in the incident.

6. It is further submitted that recovery of iron rod is shown to have been affected on the pointing of the applicant while danda/lathi is shown to have been recovered on the pointing of

co-accused Suresh Singh, Rakesh Singh and the role of the applicant is identical to the role assigned to the co-accused persons namely Suresh Singh, Rakesh Singh, who have been granted bail vide order dated 23.5.2023 and 25.09.2023 by a Coordinate Bench of this Court as well as by this Court in Criminal Misc. Bail Application Nos.5559 of 2023 and 8292 of 2023, respectively.

7. It is next submitted that applicant is in jail in this case since 06.05.2022 and he is not having any criminal history, charge-sheet in this case has already been submitted and there is no apprehension that after being released on bail the applicant may flee from the course of law or may otherwise misuse the liberty.

8. Learned A.G.A., however, opposes the prayer of bail of the applicant on the ground that the applicant has committed an heinous offence and having regard to the material/evidence available against the applicant, he is not entitled to be released on bail, but could not controvert the other factual submissions made by learned counsel for the applicant.

9. Having heard learned counsel for the parties and having perused the record, it is evident that general role of assault with lathi-danda, iron rod and sharp-edged weapons have been assigned to all the accused persons named in the F.I.R., however, no specific role or overact has been assigned to any of the accused persons by any prosecution witness including injured persons. Identically placed co-accused person, namely, Suresh Singh, Rakesh Singh, who have been granted bail vide order dated 23.5.2023 and 25.09.2023 by a Coordinate Bench of this Court as well as by this Court. The role of the instant applicant is similar to them in the alleged crime. Thus, I do not find any reason why the same facility should not be extended to the applicant more so when the order, whereby the co-accused Suresh Singh and Rakesh Singh have been granted bail by a Coordinate Bench of this Court as well as by this Court appears to not have been challenged at any higher forum or has been cancelled by the same court. Applicant is in jail in this case since 06.05.2022 and he is not having criminal history. The presence of the applicant could be secured before the trial court by placing adequate conditions.

10. Having regard to the overall facts and circumstances of the case and keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment, submissions of the learned counsel for the parties and without expressing any opinion on the merits of the case, I am of the considered view that applicant has made out a case for bail. The bail application is thus allowed.

11. Let the accused/applicant- **Brijesh Kumar Singh @ Ankur Singh** Singh involved in above-mentioned case, be released on bail on his furnishing a personal bond with two sureties in the like amount to the satisfaction of the court concerned subject to following conditions:-

(i) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, during the investigation or trial.

(ii) The applicant shall cooperate in the trial sincerely without seeking any adjournment.

(iii) The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

12. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

13. Identity, status and residence proof of the applicant and sureties be verified by the Court concerned before the bonds are accepted.

14. Observations made herein-above by this court are only for the purpose of disposal of this bail application and shall not be construed as an expression of this Court on the merits of the case

Order Date :- 18.10.2023

Anupam S/-