

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12402 of 2023

Applicant :- Jitendra Kumar

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

Counsel for Applicant :- Jaikaran, Madhur Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Ms. Nisha Tiwari and Ms. Jyoti Rajput, Advocates have jointly filed their vakalatnama on behalf of the informant which is taken on record.
2. Heard Sri Jaikaran, the learned counsel for the applicant, Sri Shaunak Singh, the learned A.G.A-I for the State as well as Ms. Jyoti Rajput, the learned counsel for the informant and perused the record.
3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 37 of 2023, under Section 406, 420, 467, 468, 471 I.P.C., registered at Police Station Naka Hindola, District Lucknow.
4. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.03.2023, alleging that the applicant is related to the informant and he had offered to get the persons employed on the post of peons in his department on payment of money. The informant claims that he and several other persons had given money for their appointment but neither they could be employed nor was their money refunded.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case. In para 13 of the affidavit, the applicant's involvement in another case bearing Case Crime No. 136/2022 under Section 420, 467, 468, 471, 166 I.P.C, Police Station Aminabad, District Lucknow has been disclosed, in which he has been granted bail by means of an order dated 06.10.2023 passed by this court in Criminal Misc. Bail Application No. 11880 of 2023.
6. The learned A.G.A. as also the learned counsel for the informant have

opposed the prayer of the bail, but they could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that from the allegations levelled in the F.I.R itself prima facie appears that the informant had tried to secure government employment by payment of money, by illegal means and he has taken recourse to the process of law after having failed in his endeavor and that the applicant is languishing in jail since 24.02.2023 and without making any observations 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.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- **Jitendra Kumar** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 18.10.2023

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