

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12334 of 2023

Applicant :- Nitish Kumar

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

Counsel for Applicant :- Ashish Kumar Maurya, Vikas Vikram Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Vikas Vikram Singh, learned counsel for the applicant, Sri Rakesh Kumar Singh, 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.207 of 2020, under Sections 406, 419, 420 I.P.C., registered at Police Station P.G.I., District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 17.03.2020 against the applicant and one Ashutosh Singh stating that Ashutosh Singh had proposed to get some agricultural land for the informant and he introduced him to the applicant, who had offered to sell the land of his father. The informant had paid Rs.25,50,000/- to the applicant but the sale-deed of the land was not executed in his favour. It is alleged that the informant had given a forged adhar card to the informant.
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. Applicant's involvement in 13 more cases has been disclosed in the affidavit, in all of which the applicant has been granted bail.
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 although the informant has alleged that he had paid money for purchase of the land, no agreement purchasing the land was executed between the parties; that the money was paid in the year 2019 and the FIR has been lodged on 17.03.2020 and apparently no proceeding of civil nature for execution of the sale deed or for recovery of money have been instituted by the informant; that the applicant is languishing in jail since 13.07.2023 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.

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

8. Let the **applicant**-Nitish Kumar be released on bail in aforementioned case 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 :- 17.10.2023
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