

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12351 of 2023

Applicant :- Dharmendra Kumar Yadav

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

Counsel for Applicant :- Ishan Baghel

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ishan Baghel, the learned counsel for the applicant, Sri Rao Narendra Singh, learned A.G.A.-I 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. 382 of 2022, under Sections 419, 420, 467, 468, 471, 120-B I.P.C. and Section 66 D of Information Technology Act, registered at Police Station Hazratganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 04.11.2022 against Uptron Powertronics Limited and Kuldeep Singh besides some unknown persons alleging commission of illegalities in NEET Examination, 2021 by making unauthorized interference in the original data base and official website of Ayush Department. The applicant has been implicated in the present case as it came to light during investigation that he is brother of one Dr. Vijay Yadav, the Chairman and Director of K.V.S. College and Dr. Vijay Ayurvedic Medical College, Hospital & Research Center, District Varanasi.
4. The learned counsel for the applicant has submitted that eight co-accused persons have already been granted bail in the present case and the copies of their bail orders have been

annexed with the affidavit filed on behalf of the applicant. The bail application of co-accused Dr. Vijay Yadav had been rejected by this court but the aforesaid co-accused person has also been granted bail by means of an order dated 28.08.2023, passed by Hon'ble Supreme Court in S.L.P. (Criminal) No.7486 of 2023. One more co-accused Harsh Vardhan Tiwari @ Sonal has also been granted bail by means of an order dated 26.10.2023, passed by this court in Criminal Misc. Bail Application No.9793 of 2023.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of one case bearing F.I.R. No.163 of 2022 under Sections 419/420 I.P.C. & Section 6/10 of U.P. Public Examinations (Prevention of Unfair Means) Act, 1998, Police Rohaniya, District Varanasi has been disclosed in para 41 of the affidavit, in which the applicant has been granted anticipatory bail by this court by means of an order dated 11.08.2022 passed Criminal Misc. Anticipatory Bail Application No.6093 of 2022.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. As eight co-accused persons have already been granted bail in the present case including co-accused Dr. Vijay Yadav and keeping in view the fact that the applicant is languishing in jail since 01.12.2022 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 also on bail in the aforesaid crime on the ground of parity.

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

9. Let the **applicant- Dharmendra Kumar Yadav** 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 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 :- 17.11.2023
Ram.