

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2295 of 2023

Applicant :- Ram Bahadur Singh

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

Counsel for Applicant :- Prem Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Prem Kumar Singh, the learned counsel for the applicant as well as Sri Rishikesh Verma, the learned Additional Government Advocate appearing on behalf of the State and perused the records.
2. The instant application has been filed by the applicant seeking anticipatory bail in F.I.R. bearing Case Crime No.0357 of 2017, under Sections 419, 420, 467, 468 I.P.C., registered at Police Station Kotwali Manakapur, District Gonda.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 27.08.2017 against seven persons, including the applicant, alleging that the informant had purchased a piece of land bearing Gata No.363 through sale-deed dated 14.06.2017. Another sale-deed was executed on 15.06.2017 in respect of land bearing Gata No.329, but its boundaries were wrongly shown so as to usurp the land of the informant. The applicant has been implicated because he has witnessed the execution of the sale deed dated 15.06.2017
4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is innocent and he has falsely been implicated in the present case.
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 the applicant is neither executant nor beneficiary of execution of the sale deed in question and he is merely a witness to the sale deed, coupled with the fact that the applicant has no criminal history and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are

sufficient for making out a case for granting anticipatory bail to the applicant.

7. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Ram Bahadur Singh** before the learned Trial Court in the aforesaid case crime, he shall be released on anticipatory bail on his furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicant shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicant shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer or tamper with the evidence;

(iii). That the applicant shall not pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 18.10.2023

Ram.