

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL
APPLICATION U/S 438 CR.P.C. No. - 2370 of 2023

Applicant :- Jagdish

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, the learned counsel for the applicant as well as Smt. Parul Kant, 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.676 of 2016, under Sections 395, 376-D, 506 I.P.C., registered at Police Station Risiya, District Bahraich.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 19.08.2016 against five persons, including the applicant, alleging that on 16.08.2015 applicant and the co-a Rajit Ram had raped the informant while the co-accused Sunder Lal was standing nearby holding a knife and a country made pistol.
4. In the affidavit filed in support of the anticipatory bail-application it has been contended that the applicant is innocent, he has no criminal history and he has falsely been implicated in the present case. It has also been submitted on behalf of the applicant that three other co-accused persons Babu Lal, Vinod Kumar and Sunder Lal have already been enlarged on bail by this court
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 some of the co-accused persons have already been granted anticipatory bail by this court 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-Jagdish** 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 :- 19.10.2023

Ram.