

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12461 of 2023

Applicant :- Bheem Yadav

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

Counsel for Applicant :- Ashok Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ashok Kumar Srivastava, the learned counsel for the applicant as well as Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 35 of 2023, under Section 323, 504, 506, 325, 326 I.P.C., registered at Police Station Baghrai, District Pratapgarh.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 01.03.2023 against four persons, including the applicant, alleging that all the accused persons had beaten up the informant and some other persons who tried to save him.
4. The applicant was granted bail in the aforesaid case by means of an order dated 31.03.2023 passed by the Additional Chief Judicial Magistrate, Kunda, Pratapgarh but subsequently during investigation, Section 325 and 326 I.P.C have been added and the applicant has been taken into custody and he is languishing in jail since 27.07.2023.
5. The learned A.G.A. has opposed the prayer of the 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 has

already been granted bail in the present case on the same set of facts and that he is a young man aged about 19 years having no criminal history and he is languishing in jail since 27.07.2023 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.

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

8. Let the applicant- **Bheem 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 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 :- 19.10.2023
Preeti.