

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12867 of 2023

Applicant :- Rajendra Prasad Mishra

Opposite Party :- State Of U.P Thru. Secy. Civil Sectr. Lko.

Counsel for Applicant :- Kuldeep Bajpai

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Kuldeep Bajpai, learned counsel for the applicant, Sri Sanjay Maurya, 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. 673 of 2022, under Sections 420, 409 I.P.C. registered at Police Station- Kotwali Nagar, District- Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 07.07.2022 against three persons, not including the applicant, stating that the informant had made some investment in STS Infrabuild Private Ltd. in the year 2019, but nothing was paid to him upon maturity of his investment. The applicant has been implicated in the present case as during investigation, one Mahesh Shukla stated that the applicant was also involved in the company. The applicant's involvement in 23 other cases has been disclosed in para 9 of the affidavit, in 14 of which, the applicant has been granted bail. The applicant is languishing in jail in this case since 31.10.2022 and the trial is yet to commence.

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 languishing in jail since 31.10.2022 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 on bail in the aforesaid crime.

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

8. Let the **applicant- Rajendra Prasad Mishra** 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 :- 1.11.2023
Gurpreet Singh