

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2414 of 2023

Applicant :- Sher Bahadur Singh

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

Counsel for Applicant :- Utkarsh Misra, Abhishek

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Utkarsh Misra, the learned counsel for the applicant as well as Sri Anant Pratap Singh, 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.587 of 2022, under Sections 419, 420, 467, 468, 471 I.P.C., registered at Police Station Mankapur, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 23.12.2022 against three named persons, including the applicant, and an unknown person, alleging that the informant's father, Ayodhya Prasad, accused No.1, Dwarika Prasad and Hubraj were three brothers; Hubraj died in 2021 and after his death, co-accused Dwarika Prasad got his properties mutated in his favour by means of the order dated 26.09.2022, on the strength of a forged will dated 16.06.1989. FIR further states that the will was verified from the office of Sub Registrar, Gonda. The informant could not get certified copy of the will expect of having given an application on 20.11.2022.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicant is 65 years old innocent person, who was working a Assistant Teacher in a Junior High School, he has no criminal history and he has falsely been implicated in the present case.

5. Learned counsel for the applicant has submitted that the offending will, a copy whereof has been annexed with the affidavit filed in support of the bail application, bears thumb impressions of the witnesses whereas the applicant being a government teacher, there was no occasion to put his thumb impression. He has submitted that none of the thumb impressions put on the will belong to the applicant.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is a 65 years old retired government teacher 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.

8. In view of the above, the anticipatory bail application of the applicant is **allowed**. In the event of arrest/ appearance of **applicant-Sher 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 :- 31.10.2023
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