

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12663 of 2023

Applicant :- Ajay Yadav Alias Rinku

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

Counsel for Applicant :- Santosh Kumar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Santosh Kumar Srivastava, the learned counsel for the applicant, Sri Amitabh Chaturvedi, 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. 78 of 2022, under Sections 3/25 Arms Act, registered at Police Station Cantt., District Faizabad (now Ayodhya).

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 15.03.2022 against the applicant, stating that when a car was intercepted by a police party on the basis of suspicion the persons sitting in the car started firing gun shots. In retaliatory shot fired by the police party three persons were injured and they were arrested. A pistol, an empty cartridge and two live cartridges were recovered from the applicant.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in fourteen other cases has been disclosed in para 17 of the affidavit filed in support of the bail application and a supplementary affidavit, in six of which he has already been granted bail. Co-accused Akhilesh Paswan has been granted bail by means of the order dated 27.09.2023 passed in Criminal Misc. Bail Application No.11560 of 2023.

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 alleged recovery has not been witnessed by any independent person; that the offence alleged carries a maximum punishment of imprisonment up to seven years, coupled with the fact that the applicant is languishing in jail since 15.03.2022 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-Ajay Yadav @ Rinku be released on bail in Case Crime No. 78 of 2022, under Sections 3/25 Arms Act, registered at Police Station Cantt., District Faizabad (now Ayodhya) 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

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