

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13089 of 2023

Applicant :- Bekaru Yadav @ Ram Lakhan

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

Counsel for Applicant :- Ajay Kumar, Sheikh Mohammad Ali

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Sheikh Mohammad Ali, the learned counsel for the applicant as well as Sri Gyanendra Singh, 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. 186 of 2023, under Section 394, 411 I.P.C., registered at Police Station Laliya, District Balrampur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 05.07.2023, alleging that some unidentified miscreants had assaulted the informant's mother with a sharp edged weapon and had robbed the jewellery worn by her.
4. The victim had suffered a fracture in the temporal bone. In her statement, the victim has supported the F.I.R allegations.
5. The police claimed to have arrested the applicant along with co-accused Anita on the basis of information received from a mukhbir and merely Rs. 550/- were recovered from the applicant's possession.
6. In the affidavit filed in support of the bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.
7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R alleges assault with a sharp edged weapon and commission of a robbery whereas the victim has not suffered any incised wound and the allegedly robbed articles have not been recovered from the applicant, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 09.08.2023 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.

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

10. Let the applicant- **Bekaru Yadav @ Ram Lakhan** 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 :- 6.11.2023

Preeti.