

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12919 of 2023

Applicant :- Rahis

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

Counsel for Applicant :- Jitendra Prakash Mishra, Ram Lal

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Jitendra Prakash Mishra, learned counsel for the applicant, Sri Amit Kumar Dwivedi, 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. 297 of 2023, under Section 307 I.P.C., registered at Police Station Maigalganj, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.08.2023 against three persons including the applicant alleging that when a police party apprehended the accused persons who were riding a motorcycle, which was being driven by the co-accused Ravisharan Trivedi, the applicant fired at the police party. A pistol and 3 live cartridges were recovered from the applicant. It is alleged that the accused persons had confessed having given effect to the offence which is a case of theft, the details whereof have been mentioned in para 9 of the affidavit.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no previous criminal history. Learned counsel for the applicant has submitted that the applicant was arrested on 07.07.2023 at 23.30 hrs. and his arrest

memo was prepared purportedly at the same time, however, strangely his arrest memo prepared at 23.40 hrs. on 31.07.2023 mentions case crime number of F.I.R. No.297 of 2023 (the present case), which was registered at 03.20 hrs. on 01.08.2023 and F.I.R. No.298 of 2023 and 299 of 2023 which were registered subsequently.

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 no person has received injury in the incident; that the applicant has no previous criminal history and he is languishing in jail since 01.08.2023 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-Rahis** 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 :- 2.11.2023
Ram.