

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13075 of 2023

**Applicant :-** Ganga Ram Mishra

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

**Counsel for Applicant :-** Maya Ram Yadav, Pankaj Kumar Dixit

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Maya Ram Yadav, learned counsel for the applicant, Sri Arpit Kumar, learned A.G.A.-I 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.452 of 2023, under Sections 399, 402, 307 I.P.C. and Section 3/25 Arms Act, registered at Police Station Kotwali Ayodhya, District Ayodhya/Faizabad.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.08.2023 against five persons, including the applicant, stating that on the basis of information received from a mukhbir the accused persons were apprehended but they opened fire; three persons including the applicant were arrested and two persons escaped. A country made pistol, a live cartridge, and an iron rod were recovered from his possession.

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. After his arrest the applicant was implicated in another case bearing Case Crime No.445 of 2023, under Sections 457, 380, 411, 413, 414, 120-B I.P.C. in which he has been granted bail by means of an order dated 17.10.2023, passed by learned Sessions Court, Faizabad. Co-accused Rakesh @ Shyam Kahar has been granted bail by means of the order dated 30.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.12725 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 no person has received any injury in the incident coupled with the fact that the applicant is languishing in jail since 09.08.2023 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-Ganga Ram 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 :- 6.11.2023**  
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