

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13648 of 2023

Applicant :- Kedarnath Saroj And Another

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

Counsel for Applicant :- Ashok Kumar Mishra, Pankaj Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Ashok Kumar Mishra, learned counsel for the applicants, Ms. Ankita Tripathi, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 45 of 2022, under Sections 147, 148, 323, 504, 506, 307, 34 I.P.C., registered at Police Station Sangramgarh, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.02.2022 against 27 persons, including the applicants, stating that the accused persons had abused the informant and beaten up some other persons. The F.I.R. states that the co-accused Amir Chand has assaulted with an axe and co-accused Rajkumar, Mithilesh and Hariom, the applicants, and other persons had assaulted with sticks.

4. In the affidavit filed in support of bail application it has been stated that the applicants are innocent and they have been falsely implicated in the present case. A supplementary affidavit has been filed disclosing involvement of applicant no. 1 in another case under the Electricity Act, in which the applicant no. 1 has paid some penalty and the case stands disposed of. The applicant no. 2 is also involved in another case under Sections 147, 323, 504 & 506 IPC, in which he has been granted bail.

5. Three of the co-accused persons, Rama Shankar Yadav, Mukesh Saroj and Hari Om Saroj have been granted bail by means of the orders dated 27.09.2023, 30.10.2023 & 18.11.2023 passed by this court in Criminal Appeal No.3087 of 2022, Criminal Misc. Bail Application Nos. 12729 of 2023 and 13610 of 2023 respectively.

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 F.I.R contains general allegations against the applicants; that similarly situated co-accused persons have already been enlarged on bail by this court; that the applicants has no previous criminal history and he is languishing in jail since 26.03.2023 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 applicants on bail in the aforesaid crime.

8. Accordingly, this bail application stands allowed.

9. Let the applicants-(i) ***Kedarnath Saroj*** and (ii) ***Babloo Saroj*** 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 applicants shall not tamper with the prosecution evidence;

(ii) the applicants shall not pressurize the prosecution witnesses;

(iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 20.11.2023

Pradeep/-