

Court No. - 16

Case :- CRIMINAL MISC ANTICIPATORY BAIL APPLICATION U/S 438
CR.P.C. No. - 2577 of 2023

Applicant :- Shiv Bahadur And 4 Others

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

Counsel for Applicant :- Anshuman,Akash Dikshit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Akash Dikshit, the learned counsel for the applicants as well as Sri Arpit Kumar, the learned Additional Government Advocate appearing on behalf of the State and perused the records.

2. The instant application has been filed by the applicants seeking anticipatory bail in F.I.R. bearing Case Crime No.137 of 2021, under Sections 147, 148, 323, 325, 308, 504, 506 I.P.C., registered at Police Station Maharajganj, District Ayodhya.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged at 11:21 Hours on 03.05.2021 against nine persons, including the applicant, stating that the accused persons had attacked informant and his family members due to which the informant has suffered a fracture in his left leg and several other injuries were also inflicted on the informant and his family members.

4. In the affidavit filed in support of the anticipatory bail-application, it has been contended that the applicants are innocent, they have no criminal history and they have falsely been implicated in the present case.

5. Prior to lodging of the present FIR, an FIR No.136 of 2021 was lodged in the same police station at 11:04 Hours on 03.05.2021 against 11 persons, including the applicants, alleging that 6 persons were damaging the *medh* of the applicants' agricultural field and trying to take forcibly possession by sowing sugarcane, upon resistance they

had beaten up the persons from the side of the applicants. Three persons from the side of the applicant have received injuries in the incident.

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 incident appears to have taken place because of a dispute regarding agricultural field in which persons from both the sides have received injuries; that there is no allegation in the FIR about the injuries suffered by the persons from the applicants' side, prima facie indicating that the informant has not come up with complete truth and that the applicants have no criminal history, and without making any observations which may affect the outcome of the case, I am of the view that the aforesaid facts are sufficient for making out a case for granting anticipatory bail to the applicants.

8. In view of the above, the anticipatory bail application of the applicants is **allowed**. In the event of arrest/ appearance of **applicants-Shiv Bahadur, Praveen Kumar, Faujdar, Ram Janam and Rohit** before the learned Trial Court in the aforesaid case crime, they shall be released on anticipatory bail on their furnishing personal bond and two solvent sureties, each in the like amount, to the satisfaction of S.H.O./Court concerned on the following conditions and subject to any other conditions that may be fixed by the Trial Court:

(i). That the applicants shall appear before the trial court on each date fixed, unless personal presence is exempted;

(ii). That the applicants shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the

court or to any police officer or tamper with the evidence;

(iii). That the applicants shall not pressurize/ intimidate the prosecution witness;

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(Subhash Vidyarthi, J.)

Order Date :- 8.11.2023
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