

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13387 of 2023

**Applicant :-** Arjun Paswan

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. (Home), Lucknow

**Counsel for Applicant :-** Anoop Kumar Upadhyay

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

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

1. Heard Sri Anoop Kumar Upadhyay, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, 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.452 of 2022, 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, an empty cartridge, a screw driver and a plier were recovered from his possession.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in two more cases has been disclosed in para 8 of the affidavit, in both of which the applicant has been granted bail.

5. 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 19.10.2023, passed by learned Sessions Court, Faizabad.

6. The learned counsel for the applicant has submitted that other co-accused Rakesh @ Syam Kahar, has already been granted bail by means of an order dated 30.10.2023 passed by this Court in Criminal Misc. Bail Application No.12725 of 2023

7. The learned A.G.A. has opposed the prayer for 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 alleged recovery has not been witnessed by any independent person; that no person has received any injury in the incident whereas the other co-accused persons has been granted bail, 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 applicant is also entitled to be released on bail.

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

10. Let the applicant- **Arjun Paswan** 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 :- 9.11.2023**  
Preeti.