

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13462 of 2023

**Applicant :-** Rajeev Srivastava

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

**Counsel for Applicant :-** Sudhir Kumar, Jagjeevan Prasad

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

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

1. Heard Sri Sudheer Kumar, learned counsel for the applicant, Sri Manish Kumar Pandey, 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. 131 of 2023, under Section 394, 411, 120-B I.P.C. and Section 3/25 Arms Act, registered at Police Station Hasanganj, District Lucknow.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 14.09.2023, alleging that four unknown persons riding two motorcycles had robbed Rs. 3,50,000/- kept in a bag from the informant's clerk.

4. The police claimed to have arrested six persons on the basis of information received from a mukhbir and to have recovered Rs. 30,000/- each from five persons including the applicant and Rs. 55,000/- from one of the persons apprehended confessed having given effect to the incident.

5. In the affidavit filed in support of the bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's criminal history of seven cases has been explained in para 3 of the supplementary affidavit, in which the applicant has been granted bail by the court below. It has also been submitted that the co-accused Jitendra Awasthi and Naveen Bajpai have already been granted bail by this court by means of orders dated 28.10.2023 and 07.11.2023, passed in Criminal Misc. Bail Application Nos. 12640 of 2023 and 13129 of 2023.

6. The learned A.G.A. has opposed the prayer of the 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 there is no independent witness of the alleged recovery, coupled with the fact that the applicant is languishing in jail since 17.09.2023 and without making any observations 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.

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

9. Let the **applicant- Rajeew Srivastava** 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 the 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.

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**(Subhash Vidyarthi, J.)**

**Order Date :- 9.11.2023**

Ram.