

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13538 of 2023

Applicant :- Shiv Shankar @ Munde And Another

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

Counsel for Applicant :- Dharm Trivedi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Dharm Trivedi, learned counsel for the applicants, Sri Shaunak Singh, the 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. 315 of 2023, under Sections 457, 380 IPC, Police Station Lakhimpur Kheri, District Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.07.2023 alleging commission of theft in the informant's house.

4. The police claimed to have arrested three persons, including the applicants, in Case Crime No. 556/2023 on 08.09.2023 and to have recovered some blocks of silver from their possession. However, no independent person had witnessed the recovery.

5. A supplementary affidavit has been filed on behalf of the applicant disclosing involvement of the applicant no. 1 in eleven other cases and applicant no. 2 in four other cases, in which they have been granted bail.

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 theft in question took place in the night of 20/21st June, 2023 and the applicants have been arrested on 08.09.2023 and besides their custodial statements there is nothing which may connect the applicants with the present case, I am of the view that the applicants are entitled to be released on bail in the aforesaid case.

8. Accordingly, this bail application stands allowed.

9. Let the applicant-(i) Shiv Shankar @ Munda and (ii) Jagat Pratap @ Chotu 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.

(Subhash Vidyarthi, J.)

Order Date :- 17.11.2023
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