

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13962 of 2023

Applicant :- Prem Kumar @ Hitesh And Another

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

Counsel for Applicant :- Ajay Veer Singh, Piyush Pandey

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicants, learned A.G.A. and perused the record.

The accused- applicants are involved in Case Crime No. 644 of 2023, under Sections 395, 412 I.P.C., Police Station Kotwali Nagar, District- Pratapgarh.

It is argued by the learned counsel for the applicants that the incident is false. The applicants have been falsely implicated in the present case. Regarding criminal history of one case of applicant no. 1 Prem Kumar @ Hitesh, it is argued that he is on bail in that case. Regarding criminal history of two cases of Sandeep Kumar, applicant no. 2, it is argued that in one case under NDPS Act, he is on bail while in other case under Explosive Act, he has been exonerated by the Investigating Officer.

Learned A.G.A. opposed the prayer for bail of the applicants and argued that both the applicants are hard core criminals. Applicant no. 1 is having criminal history of one case apart from the present case. Applicant no. 2 Sandeep Kumar is having criminal history of two cases apart from the present case; one is of NDPS Act and another is under Explosive Act.

No injury report of the injured has been placed before the court by the learned A.G.A. Regarding criminal history, applicant no. 1 is said to be on bail in one case under NDPS Act. Criminal history of two cases of applicant no. 2 is explained by the learned counsel for the applicants that applicant no. 2 is on bail under NDPS Act and regarding case under Explosive Act, he is said to have been exonerated by Investigating Officer. The applicant is languishing in jail since 6.10.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any

opinion on the merit of the case, I find it to be a case of bail.

The bail application is allowed.

Let the applicants Prem Kumar @ Hitesh and Sandeep Kumar, who are involved in aforesaid crime be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions.

1. The applicants will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. They will not tamper with the witnesses.
3. They will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicants to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 28.11.2023

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