

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14581 of 2023

Applicant :- Prashant Kumar

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

Counsel for Applicant :- Prakhar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri S.C. Tiwari, Advocate, holding brief of Sri Prakhar Mishra, learned counsel for the applicant, and Sri Gyanendra Singh, learned Addl. Government Advocate, and perused the record.

2. By means of the instant application the applicant Prashant Kumar seeks bail in Case Crime No. 48 of 2023, under sections 419,420,467,468,471 I.P.C., and Section 3/9, U.P. Public Examination (Prevention of Unfair Means) Act, 1998, P.S. Krishna Nagar, District Lucknow.

3. The aforesaid case has been registered on the basis of a First Information Report (F.I.R.) lodged on 1.2.2023 against four persons, including the applicant, alleging that during an examination being held for making selections to the posts of Constables, two accused persons were appearing in place of the other two accused persons, who were candidates in the examination.

4. In the affidavit filed in support of the bail-application it has been stated that the applicant is innocent. He has been falsely implicated in the present case and he has no criminal history. It has further been stated in the affidavit that all the other three accused persons have been granted bail in the present case, and the applicant is in jail since 19.10.2023 in this case.

5. Learned A.G.A. has opposed the prayer for bail, but he could not dispute the aforesaid aspects of the matter.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the all the other named co-accused in the F.I.R. have been granted bail in the present case and the applicant has no previous criminal history and he is languishing in jail since 19.10.2023, without making any observation, which may affect the merits of the case, I am of the view that the applicant is entitled to be released on bail.

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

8. Let the applicant **Prashant Kumar** be released on bail in the aforesaid Case Crime No. 48 of 2023, under sections 419,420,467,468,471 I.P.C., and Section 3/9, U.P. Public Examination (Prevention of Unfair Means) Act, 1998, P.S. Krishna Nagar, District Lucknow, be released on bail on his 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.

9. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 11.12.2023
A.Nigam