

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14421 of 2023

Applicant :- Ankit Dixhit

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

Counsel for Applicant :- Raghavendra Pratap Singh

Counsel for Opposite Party :- G.A.

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

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

The accused- applicant is involved in Case Crime No. 210 of 2023, under Sections 392, 411 I.P.C., Police Station Maigalganj, District- Lakhimpur Kheri.

It is submitted by the learned counsel for the applicant that the incident is dated 18.4.2023 and the FIR has been lodged on 27.5.2023 on the basis of an application u/s 156(3) Cr.P.C. The applicant was not involved in the alleged incident. On 27.5.2023 when Pinku Mishra, Shivam Singh, Satyanand Mishra and Abhishek Gautam were arrested by the police, in their confessional statements, the name of the applicant came into light. The applicant was not arrested on the spot. The applicant was summoned through B warrant from Sitapur. The applicant is languishing in jail since 4.8.2023. Co accused Pinku Mishra and Satyanand Mishra have been granted bail by the coordinate benches of this court.

Learned A.G.A. opposed the prayer for the bail of the applicant and submitted that the applicant is having criminal history of two cases apart from the present case. It is admitted that in one case the applicant is on bail and in another case, charge sheet has not been filed yet.

From the perusal of the record, it is found that the FIR dated 27.5.2023 was lodged against unknown persons. The name of the present applicant came into light in the confessional statements of co-accused persons Pinku Mishra, Shivam Singh, Satyanand Mishra and Abhishek Gautam that while committing the offence the present applicant was with them. The applicant was neither arrested from the spot and nor any recovery is

alleged to have been made from him. Co accused Pinku Mishra and Satyanand Mishra have been granted bail by the coordinate benches of this court. The case of the applicant stands on the better footing than those of the co-accused persons named Pinku Mishra and Satyanand Mishra, who have been already granted bail.

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 fit case of bail.

The bail application is allowed.

Let the applicant Ankit Dixhit, who is involved in aforesaid crime be released on bail on his 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 applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. He will not tamper with the witnesses.
3. He 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 applicant to the 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 :- 7.12.2023

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