

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14489 of 2023

Applicant :- Deepak Agarhari

Opposite Party :- State Of U.P Thru. Prin. Secy. Addil. Chief Secy. Home Civil Sectr. Lko.

Counsel for Applicant :- Brijesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Brijesh Kumar, the learned counsel for the applicant as well as Sri Virendra Kumar, the learned A.G.A.-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 196 of 2023, under Section 41, 411, 413, 420, 467, 468, 471 I.P.C., registered at Police Station Aliganj, District Ambedkar Nagar.
3. The aforesaid case has been registered on the basis of F.I.R. lodged by an Inspector of Police against six persons, including the applicant, stating that on the basis of information received from a mukbhir, two motorcycles were intercepted and three persons, including the applicant were arrested.
4. The persons arrested confessed that they were involved in committing theft of vehicles and some other persons were also involved in committing similar offences and they were arrested on the basis of information given by the arrested persons. Two motorcycles were also recovered.
5. In the affidavit filed in support of the bail application, it has been stated that the applicant is a 24 years old innocent person having no previous criminal history. After his arrest, the applicant has been implicated in two more cases.
6. Co-accused Puneet Yadav has already been granted bail by means of an order dated 13414 of 2023 passed by this Court in Criminal Misc. Bail Application No. 13414 of 2023.
7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.
8. Having considered the aforesaid facts and circumstances of

the case and keeping in view the fact that the alleged recovery has not been witnessed by any independent person, coupled with the fact that the applicant is a 24 years old young man having no previous criminal history and he is languishing in jail since 03.09.2023 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.

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

10. Let the applicant-***Deepak Agarhari*** 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.

Order Date :- 8.12.2023

Pradeep/-