

Court No. - 35

Case :- CRIMINAL APPEAL No. - 2328 of 2024

Appellant :- Danish

Respondent :- State Of U.P. Thru. Secy. Deptt. Of Home Lko And 4 Others

Counsel for Appellant :- Vaibhav Srivastava, Arun Pratap Verma, Vishnu Pratap Singh

Counsel for Respondent :- G.A.

Hon'ble Arun Kumar Singh Deshwal, J.

1. Supplementary affidavit filed by the counsel for the appellant as well as Vakalatnama filed by Shri Mulayam Singh on behalf of first informant and counter affidavit filed by learned A.G.A. are taken on record.

2. Heard Shri Arun Pratap Verma, learned counsel for the appellant, Sri Mulayam Singh Yadav, learned counsel for the informant and learned A.G.A. for the State through video conferencing.

3. A prayer for bail has been made by the appellant, which has been filed against the judgement and order dated 05.07.2024 passed by learned court of Special Judge (SC/ST Act) Ayodhya/Faizabad under Sections 147, 332, 353, 307, 504, 506 I.P.C. and Sections 3(2)Va of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Amendment 2015) arising out of Case Crime No. 48 of 2023, Police Station-Cantt, District-Ayodhya/Faizabad, Uttar Pradesh in Computer Registration No. 1300 of 2024 (Danish versus State of Uttar Pradesh).

4. The contention of learned counsel for the applicant is that he was not named in the F.I.R. His name came into picture in the statement recorded under Section 161 Cr.P.C. It is further submitted that general allegations were made in the statement of the victim also and applicant was also named and no specific role was assigned to the applicant. Co accused Raja @ Arbaz was granted bail in Criminal Appeal No. 1641 of 2023 by order dated 16.01.2024 and co-accused Mohd. Saif Ali was also granted bail in Criminal Appeal No. 2561 of 2024 by order dated 18.10.2024 by this Bench. Therefore, applicant is also entitled to claim parity. Learned counsel for the applicant has explained history of one case of the applicant in Supplementary affidavit in which he has been

released on bail. Bail order has been annexed at page no. 7 of Supplementary affidavit.

5. Per contra, learned A.G.A. could not dispute regarding the parity of case with the co-accused who was released on bail by this Court.

6. After hearing learned counsel for the parties and on perusal of record, it appears that general allegations were assigned to the five accused persons but there is only one injury which is said to be serious, therefore, it cannot be assigned to the appellant even otherwise there is a version of appellant side also that father of the appellant has also suffered serious injury in his leg and there is no proper explanation of the same.

7. In view of above and also keeping the view of the fact that trial of the case is not likely to be concluded in near future, the present appeal has substance, and it is accordingly is **allowed**. The impugned judgement and order dated 05.07.2024 passed by learned court of Special Judge (SC/ST Act) Ayodhya/Faizabad under Sections 147, 332, 353, 307, 504, 506 I.P.C. and Sections 3(2)Va of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, (Amendment 2015) arising out of Case Crime No. 48 of 2023, Police Station-Cantt, District-Ayodhya/Faizabad, Uttar Pradesh in Computer Registration No. 1300 of 2024 (Danish versus State of Uttar Pradesh) is hereby set aside.

8. Let the appellant- **Danish** involved in the aforementioned 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, with the following conditions:-

- a. The appellant will not tamper with the evidence.
- b. The appellant will not indulge in any criminal activity.
- c. The appellant will not pressurize/intimidate the prosecution witnesses and co-operate in the trial.
- d. The appellant will appear regularly on each and every date fixed by the trial court unless their personal appearance is exempted through counsel by the court concerned.

Order Date :- 18.10.2024

SY