



2024:0004-1 K03:2024

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

CRIMINAL MISC. BAIL APPLICATION No. - 10916 of 2024

Jai Prakash Yadav @ Jagjeevan

.....Applicant(s)

Versus

State Of U.P. Thru. Prin. Secy. Home Lko.

.....Opposite
Party(s)

Counsel for Applicant(s) : Diwakar Pratap Pandey, Brijesh Kumar
Yadav, Keshav Prasad, Shyam Prakash
Awasthi

Counsel for Opposite Party(s) : G.A., Sachin Pandey

Court No. - 15

HON'BLE KARUNESH SINGH PAWAR, J.

Heard learned counsel for the accused-applicant, learned A.G.A. for the State as well as learned counsel for the complainant and perused the record.

In the prosecution case, it is alleged that the accused-applicant, on the pretext of providing employment to various persons, received money from them. It is further alleged that after receiving an amount of Rs. 24,00,000/-, he conducted fake interviews and issued fake gate passes for joining. When the complainant came to know that the documents provided by the applicant were forged, he approached the applicant, whereupon the applicant allegedly issued a cheque of Rs. 30,00,000/-, which was dishonoured, leading to the registration of the FIR.

Learned counsel for the applicant submits that the applicant neither received any money nor issued any cheque to the complainant. The offences alleged are triable by a Magistrate. The applicant has explained his criminal history of eight cases in paragraph 16 of the rejoinder affidavit.

It is further submitted that the applicant has been falsely implicated in the present case and cannot be compelled to remain in prison for an indefinite period. The charge-sheet has already been filed, and charges were framed on 05.12.2024; however, till date, not a single prosecution witness has been examined.

It is further submitted that the applicant has been in jail since 16.06.2024,

and if granted bail, there is no apprehension that he will abscond or misuse the liberty of bail. He undertakes to abide by all orders passed by the Court below and to cooperate in the expeditious disposal of the trial.

Learned A.G.A., as well as learned counsel for the complainant, opposed the prayer for bail. Learned counsel for the complainant submits that the applicant is the main accused and the mastermind behind the alleged offence. However, he could not dispute the fact that not a single prosecution witness has been examined till date.

Upon due consideration of the aforesaid facts and circumstances, including the fact that the applicant has been languishing in jail since 16.06.2024, that he has explained his criminal history, that the offences alleged are triable by a Magistrate, and that although charges were framed on 05.12.2024, not a single prosecution witness has been examined till date, and keeping in view the provisions of Section 437(6) Cr.P.C., akin to Section 480(6) of the BNSS, I find it to be a fit case for enlarging the applicant on bail.

Accordingly, the bail application is **allowed**.

Let the applicant- **Jai Prakash Yadav @ Jagjeevan**, involved in Case Crime/FIR No. 53 of 2024 under Sections 419, 420, 467, 468, 471, 406 IPC, Police Station-Jagdishpur, District-Amethi, be released on bail on 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.

Any other condition(s) which the trial court/concerned court may deem fit and proper, in the circumstances of the case, may also be imposed.

It is clarified that the observations made in this order are confined to the present bail application and shall have no bearing on the merits of the trial.

December 16, 2025
Vinay/-

(Karunesh Singh Pawar,J.)