

**Court No. - 50**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 44142 of 2018

**Applicant :-** Ashok Kumar

**Opposite Party :-** State Of U.P.

**Counsel for Applicant :-** Akank Kumar Jain, Vinay Kumar

**Counsel for Opposite Party :-** G.A., Satendra Singh

**Hon'ble Aniruddha Singh, J.**

Heard learned counsel for the applicant, Sri R.K. Singh (B.H.), learned counsel appearing for the State and perused the record.

According to prosecution case, F.I.R. was lodged against five accused persons, namely, Gayaprasad @ Pappu, Ashok Kumar, Shersingh, Kambod Singh and Babloo alleging that on 24.3.2018 they killed Ramu by indiscriminate firing. He received three gun shot injuries and died. Country made pistol was recovered on the pointing out of Babloo and Shersing. Two bullets were recovered from the body of the deceased and on confessional statement it was alleged that Shersing and Babloo had shot fire on the deceased. The case of the applicant is distinguishable from the case of co-accused-Shersing and Babloo.

Learned counsel for the applicant submitted that the applicant is languishing in jail since 24.4.2018 (about eleven months) having no criminal history. There is no motive against the applicant. The incident is of night. Nobody had seen the incident due to brother of Gaya Prasad, the applicant has been falsely implicated. The case of the applicant is distinguishable from the case of co-accused-Shersing and Babloo. There is no recovery on the pointing out of the applicant. There is no legal evidence against the applicant. There is no independent witness against the applicant and in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.

Learned A.G.A. opposed the prayer for bail but could not dispute the aforesaid fact as argued by learned counsel for the applicant and admitted that applicant has no criminal history.

Considering the submission of learned counsel for the parties, facts of the case, nature of allegation and period of custody, gravity of offence, without expressing any opinion on the merits of the case, the Court is of the opinion that it is a fit case for bail. Hence, the bail application is hereby allowed.

Let the applicant Ashok Kumar involved in Case Crime No. 251 of 2018, under Sections 147, 148, 149, 302, 504 IPC,

Police Station-Karhal, District-Mainpuri be released on bail on 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 not tamper with the evidence during the trial.
2. The applicant will not pressurize/ intimidate the prosecution witness.
3. The applicant will appear before the trial court on the date fixed, unless personal presence is exempted.
4. The applicant shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected.
5. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

**Order Date :-** 7.3.2019  
OP