

Ajay Yadav vs State Of U.P. on 2 January, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:585

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45878 of 2024

Applicant :- Ajay Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Niraj Kumar Singh, Rohit Pandey, Yogesh Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Yogesh Kumar Singh, learned counsel for the applicant and Sri Manoj Kumar Singh, learned Brief Holder for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 194 of 2024, under Sections 103(1), 140(1), 238, 61(2) BNS, Police Station Nagar, District Basti, during pendency of the trial in the court below.
3. FIR of the present case was lodged on 26.9.2024 against four named (non applicant) and some unknown persons and according to the FIR informant alongwith his brother had gone to attend a cremation and thereafter he returned back and on 25.9.2024 i.e. next day some villagers informed him that nominated accused persons were making assault upon his brother and on 26.9.2024 dead body of his brother was recovered.
4. It is further mentioned in the FIR that after kidnapping nominated accused persons alongwith their unknown associates committed the murder.

5. Learned counsel for the applicant submitted that applicant was not named in the FIR and during investigation when after seven days statement of Deepu Nai @ Deep Narayan the employee of co-accused Rana Nagesh Pratap Singh was recovered then he very casually disclosed the name of the applicant.

6. He further submitted that except the statement of Deepu Nai @ Deep Narayan there is no evidence against the applicant on record. He further submitted that the statement of Deepu Nai @ Deep Narayan has been annexed at page 54 of the paper book and from its perusal it reflects that he specifically stated that co-accused Shailesh Singh and Sohan Singh forcibly dragged the deceased in the car of the co-accused Rana Nagesh Pratap Singh and in the mid of his statement he very casually stated that applicant was also present in the car.

7. He further submitted that as applicant is also one of the employee of co-accused Rana Nagesh Pratap Singh, therefore, he alongwith others has also been made accused in the present matter and actually he is having no concern with the alleged incident.

8. He further submitted that actually deceased was hardened criminal who was having as many as criminal history of 8 other cases including cases under sections 376 and 307 IPC and it appears, some dispute arose between nominated accused persons and the deceased and subsequently only being one of the servant of the principal accused Rana Nagesh Pratap Singh during investigation applicant has also been made accused through the statement of the witness Deepu Nai @ Deep Narayan.

9. He further submitted that applicant is having no criminal history and he is in jail in the present matter since 7.10.2024.

10. Per contra, learned AGA opposed the prayer for bail and submitted that however, applicant was not named in the FIR but witness Deepu Nai @ Deep Narayan categorically stated that he was also present in the vehicle alongwith deceased and other accused persons but could not dispute the fact that the statement of the Deepu Nai @ Deep Narayan was recorded after more than a week and applicant is also one of the employee of co-accused Rana Nagesh Pratap Singh and he is not having any direct motive.

11. Learned AGA further could not dispute the fact that deceased was having as many as 8 criminal antecedents including the cases under sections 376 and 307 IPC.

12. He further could not dispute the fact that applicant is having no criminal history and he is in jail in the present matter since 7.10.2024.

13. I have heard learned counsel for the parties and perused the record of the case.

14. From the perusal of the record, it reflects that applicant was not named in the FIR and during investigation after seven days when statement of Deepu Nai @ Deep Narayan was recorded then he disclosed the name of the applicant and after perusing the statement of Deepu Nai @ Deep Narayan

which has been annexed alongwith the instant bail application it appears that very casually he disclosed the name of the applicant and no specific role has been attributed to the applicant.

15. Further, applicant is admittedly one of the employee of co-accused Rana Nagesh Pratap Singh who was named in the FIR and therefore, argument advanced by learned counsel for the applicant that during investigation only being one of the servant of the principal accused, applicant has been made accused in the present matter cannot be ruled out, at this stage.

16. Further it also appears except the statement of Deepu Nai @ Deep Narayan there is no other evidence against the applicant on record.

17. Further deceased appears to be hardened criminal and as many as 8 cases were against him including cases under sections 376 and 306 IPC. Further, applicant is not having any previous criminal history.

18. Further, in the present matter, applicant is in jail since 7.10.2024.

19. Therefore, considering the facts and circumstances of the case, discussed above, in my view, applicant is entitled to be released on bail.

20. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.

21. Let the applicant-Ajay Yadav, 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 the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

22. In case of breach of any of the above condition, the prosecution will be at liberty to move an application before this Court for cancellation of the bail of the applicant.

23. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 2.1.2025 Ankita