

# **Banti @ Satyapal @ Dev Chaudhary vs State Of U.P. And Another on 1 April, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44909

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10745 of 2024

Applicant :- Banti @ Satyapal @ Dev Chaudhary

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Abhay Kumar Pandey, Mukesh Baghel

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Abhay Kumar Pandey, learned counsel for the applicant and Sri Brijesh Pratap Singh, learned AGA for the State-respondent.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 408 of 2019, under sections 302, 394, 201, 120-B, 34, 411 IPC and Section 15 D.A.A. Act, P.S. Khandauli, District Agra, District Agra, during pendency of the trial in the court below.
3. Learned counsel for the applicant submitted that nobody was named in the FIR and during investigation applicant has been made accused in the present matter along with others including co-accused Bhura @ Vikas Parihar and after considering entire facts of the case in detail, co-accused Bhura @ Vikas Parihar has been released on bail by co-ordinate Bench of this Court vide order dated 31.1.2020 passed in Criminal Misc. Bail Application No. 4218 of 2020 and on facts, case of applicant is at par with him.

4. He further submits, however, apart from the present case applicant is having criminal history of six other cases but his criminal history has been explained in the supplementary affidavit filed in support of the instant bail application.
5. He next submits, only due to the previous criminal history during investigation police implicated the applicant in the present matter.
6. He next submits in all the above cases applicant is on bail.
7. He further submits that in the present matter applicant is in jail since 12.11.2019 i.e. for last more than five years.
8. Per contra, learned AGA however, opposed the prayer for bail but could not dispute the argument on facts advanced by learned counsel for the applicant.
9. I have heard learned counsel for the parties and perused the record of the case.
10. However, it reflects apart from the present case applicant is having criminal history of six other cases but his criminal history has been explained in the supplementary affidavit filed in support of the instant bail application and in all the cases applicant is on bail.
11. Further, as far as merit of the present case is concerned, during investigation applicant has been made accused in the present matter along with others including co-accused Bhura @ Vikas Parihar and co-accused Bhura @ Vikas Parihar has been released on bail by co-ordinate Bench of this Court and on facts, case of applicant is at par with him.
12. Further, in the present matter applicant is in jail since 12.11.2019 i.e. for last more than five years.
13. Therefore, considering the facts and circumstances of the case discussed above, in my view, applicant is entitled to be released on bail.
14. Accordingly, without expressing any opinion on the merits of the case, the instant bail application is allowed.
15. Let the applicant- Banti @ Satyapal @ Dev Chaudhary 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.

16. 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.

17. 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 :- 1.4.2025 Neeraj