

Vijay Mushar @ Vijay Bahadur vs State Of U.P. on 1 April, 2025

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:44889

Court No. - 66

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 3317 of 2025

Applicant :- Vijay Mushar @ Vijay Bahadur

Opposite Party :- State of U.P.

Counsel for Applicant :- Satish Sharma

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain,J.

1. Heard Sri Satish Sharma, learned counsel for the applicant and Sri Brijesh Kumar Singh, learned brief holder for the State-respondent.
2. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 375 of 2022, under Sections 302, 447, 201, 34 IPC, Police Station Koraon, District Prayagraj,, during pendency of the trial.
3. Learned counsel for the applicant submits, FIR of the present case was lodged against unknown persons but during investigation applicant has been made accused in the present matter along with co-accused namely, Suraj Kol, Tanveer and Shamshad @ Ajhamauddin and after considering entire facts in detail, all the above three co-accused have already been released on bail by this court vide orders dated 11.7.2023, 24.1.2024 and 6.2.2024 passed in Criminal Misc. Bail Application Nos.23262 of 2023, 36046 of 2023 and 41701 of 2023 respectively and on facts case of applicant is at par with them.

4. He further submits however, apart from the present case applicant is having criminal history of one another case but that case relates to minor offence.

5. He next submits, in the the present matter applicant is in jail since 05.07.2023 i.e. for last more than one and half year.

6. Per contra, learned AGA opposed the prayer for bail but could not dispute the arguments on facts advanced by learned counsel for the applicant.

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

8. Considering the arguments advanced by learned counsel for the applicant and the fact that three similarly placed above co-accused have already been released on bail by this court and criminal history of the applicant has been explained in the instant bail application and applicant is in jail for last more than one and half year, in my view, applicant is entitled to be released on bail.

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

10. Let the applicant -Vijay Mushar @ Vijay Bahadur 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.

11. 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.

12. 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