

Vikram Kumar Rajbhar vs State Of U.P. on 2 January, 2025

Author: Shekhar Kumar Yadav

Bench: Shekhar Kumar Yadav

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:50

Court No. - 35

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42822 of 2024

Applicant :- Vikram Kumar Rajbhar

Opposite Party :- State of U.P.

Counsel for Applicant :- Mohan Kumar Singh, Shailesh Kumar Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Shekhar Kumar Yadav, J.

1. Heard learned counsel for the applicant, learned Additional Government Advocate for the State and perused the material available on record.
2. By means of this application, the applicant is seeking enlargement on bail in Case Crime No.149 of 2024, under Sections 376D, 504, 506 IPC, Police Station Sahatwar, District Ballia.
3. Submission of learned counsel for the applicant is that the applicant is quite innocent and has been falsely implicated in the present case with the ulterior motive. Applicant has never committed any offence as alleged in the impugned FIR even there is no direct or indirect evidence against the applicant. Further submission is that similarly placed co-accused, namely, Kundan Rajbhar has already been enlarged on bail by this Court vide order dated 12.11.2024 passed in Criminal Misc. Bail Application No.37367 of 2024, copy of the bail order has been placed on record. Further submission is that since the role of the applicant is identical to that of co-accused who have already been enlarged on bail, the applicant is also entitled to be enlarged on bail on the ground of parity.

The applicant is languishing in jail since 27.07.2024 having no previous criminal history.

4. Per contra, learned A.G.A. has vehemently opposed the prayer for bail, but could not controvert the submissions made by the learned counsel for the applicant.

5. I have perused the bail orders of co-accused and find that the role assigned to the present applicant is almost similar to that of co-accused who have already been enlarged on bail.

6. Considering the submissions made by learned counsel for the applicant as well as learned A.G.A., this Court is of the view that the applicant has made out a case for grant of bail on the ground of parity.

7. Let the applicant-Vikram Kumar Rajbhar, involved in the aforesaid case 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 :

(i) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the date fixed for evidence when the witnesses are present in Court. In case of default of this condition, it shall be open for the Trial Court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(ii) The applicant shall remain present before the Trial Court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the Trial Court may proceed against him under Section 229-A IPC.

(iii) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C., may be issued and if applicant fails to appear before the Court on the date fixed in such proclamation, then, the Trial Court shall initiate proceedings against him, in accordance with law, under Section 174-A IPC.

(iv) The applicant shall remain present, in person, before the Trial Court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 313 Cr.P.C. If in the opinion of the Trial Court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the Trial Court to treat such default as abuse of liberty of bail and proceed against him in accordance with law.

(v) The Trial Court may make all possible efforts/endeavour and try to conclude the trial within a period of one year after the release of the applicant.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. It is made clear that observations made in granting bail to the applicant shall not in any way affect the learned trial Judge in forming his independent opinion based on the testimony of the witnesses.

10. With the above observation/direction, the instant bail application is allowed.

Order Date :- 2.1.2025 Ajeet/Afaq