Lahwar Sahani vs State Of U.P. on 2 January, 2025

Author: Krishan Pahal

Bench: Krishan Pahal

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HIGH COURT OF JUDICATURE AT ALLAHABAD
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Neutral Citation No. - 2025:AHC:476

Court No. - 65

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46965 of 2024

Applicant :- Lahwar Sahani

Opposite Party :- State of U.P.

Counsel for Applicant :- Anurag Tripathi

Counsel for Opposite Party :- G.A., Sunil Kumar Misra

Hon'ble Krishan Pahal, J.

1- lwph dks nksckjk iqdkjk x;kA 2- vkosnd ds vf/koDrk Jh vuqjkx f=ikBh rFkk oknh ds vf/koDrk Jh lquhy dqekj feJk ,oa jkT; fof/k vf/kdkjh Jh vkj- ih- iVsy ds rdZ lqus rFkk vfHkys[kksa dk voyksdu fd;kA 3- vkosnd }kjk izFke lwpuk vk[;k la[;k& 238 lu~ 2024 /kkjk& 105, 191(2), 191(3), 75, 115(2), 352, 131, 117(2), 333 Hkkjrh; U;k; lafgrk] 2023] iqfyl LVs'ku rj;k lqtku] ftyk dq'khuxj] esa tekur gsrq izkFkZuk&i= izLrqr fd;k gSA 4- vkosnd ds fo}ku vf/koDrk }kjk ;g rdZ izLrqr fd;k x;k gS fd lg&vfHk;qDr jkek;.k lkguh dks bl U;k;ky; }kjk fofo/k tekur izkFkZuk&i= la[;k 43813 lu 2024 esa ikfjr vius vkns'k fnukid 6-12-2024 ls tekur ij fjgk fd;k tk pqdk gSA vkosnd dk dksbZ vkijkf/kd bfrgkl ugha gSA og fnukid 21-8-2-24 ls tsy esa fu#) gSA 5- vkxs ;g Hkh rdZ izLrqr fd;k x;k gS fd pwafd vkosnd dh Hkwfedk lg&vfHk;qDr ds leku gS] ftls igys gh tekur ij fjgk fd;k tk pqdk gS] vr% lekurk ds vk/kkj ij izkFkhZ Hkh tekur ikus dk vf/kdkjh gSA 6- oknh ,oa jkT; dh vksj ls tekur dk fojks/k fd;k x;k gS] gkykafd vkosnd ds lg&vfHk;qDr ls lekurk ds rF;kRed igyw dk fojks/k ugha fd;k x;k gSA 7- bl U;k;ky;

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}kjk uUgk iq= ukHkk [kki cuke mÙkj izns'k ljdkj 1993 fØfeuy ykW tuZy 938 esa ,oa mPpre U;k;ky; }kjk ikjl jke fcÜuksbZ cuke funs'kd] dsUnzh; vUos'k.k C;wjks MANU/SCOR/22410/2021 rFkk lrsUnj dqekj vafry cuke dsUnzh; tkip C;wjks o vU;] 2022 vkbZ-,u-,l-lh- 690 esa izfrikfnr fl)kUr] izdj.k ds rF;ksa rFkk ifjfLFkfr;ksa vkSj xq.k nks"k ij dksbZ vfHker O;Dr u djrs gq, U;k;ky; dh jk; esa vkonsd lekurk ds vk/kkj ij tekur ikus dk vf/kdkjh gSA 8- lekurk ds vk/kkj ij vkosnd dk tekur izkFkuk&i= Lohdkj fd;k tkrk gSA 9- mijksDr vijk/k la[;k ds ekeys esa lafyIr vkosnd ygoj lkguh dks fuEufyf[kr'krksZa ds v/khu lacaf/kr U;k;ky; dh larqf'V ds fy, ,d O;fDrxr ckaM vkSj leku jkf'k ds nks izfrHkw izLrqr djus ij tekur ij fjgk fd;k tk,A

(i) vkosnd lk{; ds lkFk NsM+NkM+ ugha djsxkA

(ii) vkosnd (1) ekeys dks izkjEHk djus] (2) vkjksi r; djus vkSj (3) /kkjk 313 lhvkjihlh ds rgr c;ku ntZ djus ds fy, fu/kkZfjr frfFk;kasa ij] O;fDrxr :i ls] fopkj.k U;k;ky; ds le{k mifLFkr jgsxkA ;fn fopkj.k U;k;ky; dh jk; esa vkosnd dh vuqifLFkfr tkucw>dj ;k i;kZIr dkj.k ds fcuk gS] rks mlds ;g NwV gksxh fd og bl rjg dh pwd dks tekur dh Lora=rk dk nq:i;ksx ekurs gq, mlds fo:) dkuwu ds vuqlkj dk;Zokgh djsaA 10- mijksDr'krksZa esa ls fdlh ds mYya?ku ds ekeys esa] ;g tekur jl djus dk vk/kkj gksxkA izfrHkwfr Lohdkj fd;s tkus ls igys vkosnd vkSj tekurnkjksa dh igpku]fLFkfr vkSj fuokl izek.k lacaf/kr U;k;ky; }kjk lR;kfir fd;k tk,xkA Order Date :- 2.1.2025 Shalini (Justice Krishan Pahal)