<u>Hon'ble Prafulla C. Pant, J.</u> Hon'ble Dharam Veer, J.

CRMA Bail Application no.521/07:-

This is bail application no. 521/2007 moved on behalf of the appellant/applicant Rohit Kumar@ Rohtas in criminal appeal no. 264/2007.

Heard Smt. Pushpa Joshi, learned counsel for the appellant/applicant and Sri Amit Bhatt, learned Addl. Govt. Advocate for the State.

It is argued on behalf of the appellant/applicant that the appellant/ applicant (Rohit Kumar) is not named in the First Information Report. It is further submitted by her that the applicant was on bail during the trial. It is further contended that the allegation of commission of murder of Balbir is against the main accused Sompal.

In the above circumstances without expressing any opinion as to the final merits of the case, we are of the view that the appellant/applicant Rohit Kumar deserves bail during the pendency of this appeal.

Accordingly, the bail application is allowed.

The appellant/ applicant Rohit Kumar @ Rohtas is directed to be released on his executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of the Chief Judicial Magistrate, Udham Singh Nagar.

It is clarified that realization of the amount of fine is not stayed.

NCM: