

## **Arvind Kumar vs State Of U.P. Thru. Prin. Secy. Home Lko. ... on 10 February, 2025**

HIGH COURT OF JUDICATURE AT ALLAHABAD, LUCKNOW BENCH

?Neutral Citation No. - 2025:AHC-LK0:8405

Court No. - 15

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 1247 of 2025

Applicant :- Arvind Kumar

Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Lko. And Another

Counsel for Applicant :- Madhulika Yadav,Jyoti Gupta

Counsel for Opposite Party :- G.A.

Hon'ble Shree Prakash Singh,J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The instant bail application has been filed on behalf of the applicant with the prayer to release him on bail during the trial in Case Crime No. 147 of 2024, under sections 109(1) and 61(1) of the Bhartiya Nyaya Sanhita and sections 3/25/27 of the Arms Act, Police Station-Mahigawan, District-Lucknow.

Contention of learned counsel for the applicant is that the applicant is innocent and has falsely been implicated in the instant matter due to ulterior motive. She added that infact the injured himself has hatched the conspiracy while managing that someone should hit fire over him and prima-facie, from the investigation, it borne out that one Anuj Kumar Maurya's fire, had hit the injured and the fire of the present applicant was missed. She next added that infact the applicant was not involved in committing any offence and he is a student and due to village enmity, his name has been implicated.

She submits that the applicant is cooperating in the investigation proceedings and the chargesheet has been filed and as such, there is no possibility that the applicant would tamper the evidences or would threaten the witnesses. She also submits that the applicant is a law abiding citizen and there is no previous criminal history of the applicant and he is languishing in jail since 28-11-2024. Further submitted that the applicant undertakes that in case, he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Per contra, learned AGA appearing for the State has opposed the contentions aforesaid and submits that there are serious allegations against the applicant and as such, he is not entitled for any relief.

Having heard learned counsels for the parties and after perusal of material placed on record, it transpires that the applicant is languishing in jail since 28-11-2024; there is no previous criminal history of the applicant as has been explained in paragraph 5 of the bail application coupled with the fact that the applicant has undertaken that if he is granted bail, he will not misuse the liberty of the same and would cooperate in the trial proceedings.

Considering the submissions of learned counsel of both sides, nature of accusation and severity of punishment in case of conviction, nature of supporting evidence, prima facie satisfaction of the Court in support of the charge, reformatory theory of punishment and considering larger mandate of the Article 21 of the Constitution of India and, without expressing any view on the merits of the case, I find it to be a fit case of bail.

Let the applicant-Arvind Kumar, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

- (1) The applicant shall not tamper with the prosecution evidence by intimidating/pressurizing the witnesses, or otherwise during the investigation or trial;
- (2) The applicant shall file an undertaking to the effect that he shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. He 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 of the Indian Penal Code;
- (3) The applicant shall remain present, in person, before the trial court on the dates fixed for (i) opening of the case, (ii) framing of charge and (iii) recording of statement under Section 313 Cr.P.C.; and (4) 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. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, the trial court shall initiate proceedings against him, in accordance with law under Section 174-A of the Indian Penal Code.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the merits of the case.

Order Date :- 10.2.2025/AKS