

IN THE COURT OF SESSIONS JUDGE , AZAMGARH.

PRESENT: OM PRAKASH MISHRA-III, H.J.S.

(J. O. Code UP Id 2671)

Bail application no. 2517 of 2026

UPAZ010057712026



1. Premchand aged about 37 years son of Faujdar.
 2. Harishchand @ Kariya aged about 65 years son of Rajdev.
- All residents of Mudilapur, P.S. Maharajganj, District Azamgarh.

-----Accused/applicants.

Versus

1. State of U. P.

-----Opposite Party.

24.06.2026

1. This bail application has been moved on behalf of the accused-applicants **Premchand and Harishchand @ Kariya** (hereinafter referred to as 'applicants') seeking bail in Case Crime No.63/2013 under Sections 323, 324, 504, 506, 427, 308 IPC, P.S. Maharajganj, District Azamgarh. Applicants / accused are languishing in jail.

2. In support of the bail application an affidavit has been filed by Deepak Yadav in which it has been stated that all the statement mentioned in the memo of the bail application is correct. Neither anything is false nor any fact has been hidden.

3. In brief, an F.I.R. has been lodged by the complainant Sushil Kumar Yadav alleging therein that on 18.2.2013 at about 6.00 pm, the complainant was returning home from the market along with his maternal uncle, Laljeet. As they turned towards the village road, the accused persons namely Gulab Yadav, Premchand Yadav, Bhola Yadav and Harishchandra @ Kariya, who were allegedly lying in wait due to previous enmity and armed with lathis and gandasa, attacked them. Laljeet, who was riding the motorcycle, sustained injuries and fell down. The accused persons also abused them, damaged the motorcycle and fled from the spot after threatening them with dire consequences.

4. Learned Counsel for the applicant has submitted that the applicant is innocent and has falsely been implicated in this case due to enmity. Learned counsel for the applicant has submitted that FIR was lodged after an inordinate delay of four days

and no satisfactory explanation for such delay has been given. There has been a long standing land dispute between the parties. Owing to such enmity, the complainant allegedly got the case registered on the basis of a false prosecution story. Applicants have no criminal antecedents and they are in judicial custody since 15.6.2026. There is no independent eye witness of the alleged incident. This is the first bail application of the applicants and no other bail application is pending in the other courts. Hence, they are entitled for bail.

5. Per contra, learned D.G.C. (Crl.) appearing for the state vehemently opposed the bail application and submitted that the applicants / accused are named in the F.I.R. Applicants / accused along with other accused persons with an intention to kill, assaulted complainant and his uncle Laljeet due to which they sustained multiple injuries on their body. It was also submitted that the gravity of the crime does not reduce just because the applicants / accused have no criminal history. Offence is serious in nature. Therefore, applicants / accused are not entitled for bail.

6. Heard learned counsel for the applicants and learned D.G.C. (crl.) for the State and perused the record.

7. As per the F.I.R., the allegation against the accused has been made that accused along with other accused persons with an intention to kill, assaulted complainant and his uncle Laljeet due to which they sustained multiple injuries on their body.

8. Upon perusal of the record, it transpires that FIR is stated to have been lodged after a delay of four days, for which the prosecution has not submitted any satisfactory explanation at this stage. There exists a cross-case of the incident and NCR No. 33 of 2013 has also been registered with regard to the same occurrence. The applicants / accused have no previous criminal history and are in judicial custody since 15.6.2026. The injuries sustained by the injured persons are stated to be simple in nature.

9. Keeping in view the facts and circumstances of the case and nature of the offence, complicity of the accused, severity of punishment, submission of the learned counsel for the parties and without expressing our opinion on merit of the case, I am of the considered view that it is a fit case for bail.

ORDER

The Bail Application is allowed. Let the applicants **Premchand and Harishchand @ Kariya** be released on bail on their furnishing a personal bond of Rs. 50,000/-(Fifty Thousand Rupees) with two sureties each in the like amount to the satisfaction of the Magistrate/Court concerned subject to the following conditions:-

1. No adjournment would be sought on behalf of the applicants if the prosecution witnesses appear in the court for evidence.
2. The prosecution witnesses would not be affected in any manner by the applicants during the period of bail.
3. The applicants shall remain present in person, in the court on the date for recording the statement U/s 313 Cr.P.C.
4. The applicants shall inform the court if they changes their local or permanent address.
5. The applicants shall not be indulged in any criminal activity after releasing on bail.

In breach of any of condition noted above, the trial court shall be at liberty to cancel the bail of the applicants.

(Om Prakash Mishra-III)

I/c Sessions Judge,

Azamgarh.

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