

Court No. - 49

Ref: Criminal Misc. Recall Application No.02 of 2019

AND

Ref: Criminal Misc. Bail Application No.03 of 2018

IN

Case :- CRIMINAL APPEAL No. - 2686 of 1987

Appellant :- Ramautar And Others

Respondent :- State Of U.P.

Counsel for Appellant :- S.N. Srivastava, Shashank Dwivedi

Counsel for Respondent :- A.G.A.

Hon'ble Krishna Pratap Singh, J.

Heard Sri J.N. Yadav, learned counsel for the appellants and learned A.G.A. for the State.

Learned counsel for appellants states that when on 22.11.2018 case has been taken up, appellants had no knowledge about this and no one appeared on behalf of the appellant as Sri S.N. Srivastava, learned counsel for the appellant has been elevated to this bench and retired then by the Court's order dated 22.11.2018 appeal has been dismissed as abated against the appellant Nos.2/ Ram Saran, 3/ Vimlesh and 6/ Kishore as they have died and N.B.W. has been issued against the appellant Nos.1/ Ramautar, 4/Ramvir and 5/Saraman and out of whom appellant Nos.1/Ramautar and 5/Saraman have been arrested on 03.01.2019 and till then appellant No.1 and 5 are in jail since 04.01.2019 and appellant No.4/Ramvir has not yet been arrested. He further states that he is ready to argue the appeal as and when it is listed next.

Hence the recall application has been moved on behalf of the appellant/applicant No.4/Ramvir and Bail application has been moved on behalf of the appellants/applicant Nos.1/Ramautar and 5/Saraman.

Cause shown is sufficient.

Recall application is allowed.

The order dated 22.11.2018 is recalled to the extent it issued N.B.W. against applicant No.4/ Ramvir.

Per contra, learned A.G.A. has opposed the bail.

Having considered the submission of the parties, I am of the view that it is a fit case for bail.

Let the **appellant/ applicant Nos.1/Ramautar and 5/Sarman** who have been arrested pursuant to the order of this Court dated 22.11.2018 be released on bail on their furnishing a personal bond with two sureties each in the like amount to the satisfaction of the Court concerned in S.T. No.363 of 1983 under Sections 147/304/149 IPC Police Station Mohammadabad, District Farrukhabad.

The C.J.M concerned shall ensure that at the time of accepting bail bonds, an authenticated copy of the current address / I.D proof of the appellants is taken on record.

Learned counsel for the appellants also undertakes to incorporate the current address of the appellants in the memo of appeal.

L.C.R. stands received.

List after six weeks for final hearing.

Order Date :- 7.1.2019

Pr/-