

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9594 of 2022

Applicant :- Sunil

Opposite Party :- State of U.P.

Counsel for Applicant :- Pawankumar Dubey, Amar Chandra, Arvind Kumar Srivastava, Rahul Saxena, Sunil Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma, J.

1. Heard Sri Amar Chandra, learned counsel for the applicant, Sri Pankaj Kumar Tripathi, learned AGA for the State and perused the record.

2. The instant bail application has been filed with a prayer to enlarge the applicant on bail in Case Crime No.07 of 2022, under Section 307 IPC, Police Station Banda, District Shahjahanpur, during the pendency of trial.

3. It is argued by the learned counsel for the applicant that the applicant has been falsely implicated in the present case due to ulterior motive. There is previous enmity of the applicant with the informant side. It is further contended that there is no grievous injury sustained by the injured in the alleged incident. There no previous criminal history except the present case. There is no likelihood of his abscondence or tampering with the evidence. The applicant is languishing in jail since 12.01.2022. In case the applicant is released on bail, he will not misuse the said liberty.

4. Learned AGA has vehemently opposed the prayer for bail. It has been submitted that the applicant is named in the FIR and as per FIR present applicant and the other co-accused persons has previously beaten the victim three times and for one occurrence caused in the past an NCR had also been registered and the victim had been medically examined two times prior to this incident also. As per injury report there are two fire arm injuries with blackening and tattooing. First is entry wound fire arm injury and second is exit wound fire arm injury. Meaning thereby the applicant had shot the victim in a close range. The role of firing has clearly been assigned to the applicant.

5. Learned counsel for the applicant relied on the supplementary medical report in which the concerned doctor

has opined that injury nos.1 and 2 were simple in nature and also no bony fracture was seen, which is contradicted by the learned AGA who states that where the injuries are caused by a fire arm, there is no necessity to show any bony fracture. In this case deadly weapon like fire arm was used from which vital part of body of the injured was targeted. Therefore, the bail application is liable to be rejected.

6. Considering the facts and circumstances of the case, the role of the applicant, the nature of offence in which vital part of the body of the injured was targeted, nature of weapon and the entry and exit wound caused by the alleged fire arm, this Court is not inclined to grant bail to the applicant at this stage.

7. Accordingly, the bail application is **rejected** at this stage.

Order Date :- 1.12.2023

Shahroz