

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15914 of 2023

Applicant :- Sukhbir

Opposite Party :- State of U.P.

Counsel for Applicant :- Upendra Singh, Ghan Shyam Dubey, Raghavendra Singh

Counsel for Opposite Party :- G.A., Mohd. Afzal Ansari

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, Sri Mohd. Afzal Ansari, learned counsel for the informant, learned AGA and perused the record.

2. In terms of the FIR, it was alleged that the applicant, who is the husband of the victim was insisting to get his wife Pooja and when his wife refused to go with him, then he in the fit of anger causing gunshot injury, which according to the document was inflicted on the shoulder.

3. It is argued that in the statement of victim, which is on record, it reveals that the fire was done in the fit of anger, which affected the victim on her shoulder. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 15.10.2022.

4. Learned AGA has opposed the bail application.

5. Considering the fact that applicant is in jail since 15.10.2022 and he has no criminal antecedents to his credit and admittedly, it was done in the fit of anger, the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

6. Let the applicant **Sukhbir** be released on bail in FIR No. 616 of 2022, under sections 307 and 34 I.P.C., P.S. Surajpur, district-Gautam Budh Nagar, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 9.11.2023

Faridul