

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 21060 of 2023

Applicant :- Anuj Modanwal

Opposite Party :- State Of U.P. And Another

Counsel for Applicant :- Dinesh Kumar Singh, Satya Priya Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record and the counter affidavit.

2. In terms of the FIR, it was alleged that the persons named in the FIR, who are four in number, had caused severe injuries to the informant. As against the applicant, it was alleged that the applicant caused a knife injury below the left hip to the informant. As regards the other co-accused persons, they were caused injuries by the use of Lathi-Danda.

3. The Counsel for the applicant draws my attention to the injury, which is on record at page 41, which indicates one incised wound on the left thigh and all the other injuries are allegedly not caused by the knife, with which the applicant was implicated. The criminal history of the applicant has been duly explained in paragraph 20 of the bail application.

4. Learned A.G.A. vehemently opposed the bail prayer.

5. Considering the nature of the injuries, *prima facie*, the same not being on a vital part coupled with the fact that the applicant has no major criminal antecedents so as to form a view that if the applicant is enlarged on bail, he would adversely affect the trial, I am of the view that the applicant is entitled to be released on bail. Accordingly, the bail application is ***allowed***.

6. Let the applicant **Anuj Modanwal** be released on bail in FIR/ Case Crime No.0099 of 2023, under Sections 323, 504, 307 IPC and Section 4/25 of the Arms Act, Police Station Ahirauli Bazar, District Kushinagar on his furnishing personal bonds and two reliable sureties of Rs.25,000/- each to the satisfaction of the 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 :- 20.11.2023

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