

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22110 of 2023

Applicant :- Raju Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Gyanendra Prasad Mahant, Purnendu Pratap

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.255 of 2022 under sections 307, 323, 504, 506 IPC, P.S. Karanda, District Ghazipur.
3. The FIR in question was lodged against as many as four persons wherein allegations were levelled that two persons including the applicant and one Tribhuvan Nath were assigned the role of attacking the applicant with a knife.
4. It is argued by the counsel for the applicant that the said Tribhuvan Nath has been enlarged on bail by this Court vide order dated 09.08.2023 in Bail Application No.13567 of 2023. It is further argued that the applicant has no criminal history.
5. Considering the said submissions, prima-facie while granting the bail to the co-accused Tribhuvan Nath, this Court had referred that the weapon i.e. knife was allegedly recovered from Raju. The Court had also observed that the nature of the injuries sustained by the victim cannot be termed as vital. As regards the recovery, the counsel for the applicant argues that the recovery is not in compliance of section 100 Cr.P.C. The applicant is in custody since 27.01.2023.
6. Considering the fact that the co-accused with almost similar allegations has been enlarged on bail, the nature of the injuries sustained by the victim were not found to be serious or could be termed as vital injury coupled with the fact that the recovery is prima facie contrary to the mandate of section 100 Cr.P.C., the applicant who is in custody since 27.01.2023, the applicant is entitled for the bail. Thus the bail application is allowed.

7. Let the applicant ***Raju Kumar*** be released on bail in aforesaid first information report number subject to his furnishing a personal bond and two reliable sureties of Rs.25000/- each of the like amount 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 :- 30.10.2023

VNP/-