

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 28567 of 2023

Applicant :- Afroz

Opposite Party :- State of U.P.

Counsel for Applicant :- Irshad Ahmad, Abhishek Kumar Mishra, Hari Om Sharan Tiwari

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. No counter affidavit has been filed despite order dated 10.08.2023. The applicant is in custody since 15.02.2023
2. Heard learned counsel for the applicant, learned AGA and perused the record.
2. The accused-applicant seeks bail in Case Crime No.068 of 2023 under sections 147, 148, 307, 323, 324, 326, 504, 506 IPC, P.S. Nawabganj, District Bareilly.
3. The FIR in question was lodged alleging that the applicant along with other co-accused had caused substantial injuries. As against the applicant, it was alleged that he tried to attack the victim by use of Banka on the neck, however, the informant used his hand which resulted in injuries at the hand.
4. The counsel for the applicant draws my attention to the medical report on record, which indicates left side fracture on the shoulder. The other injuries are simple in nature. In the light of the said, it is argued that the injuries are not on the vital part of the body so as to attract the offence under section 307 IPC. The applicant has no criminal antecedents.
5. Considering the nature of the injuries sustained by the applicant which are not on the vital part and cannot be termed as vital or near vital and there is nothing on record to demonstrate that the applicant if enlarged on bail can adversely affect the trial, the applicant is entitled for the bail. Thus the bail application is allowed.
6. Let the applicant **Afroz** be released on bail in aforesaid first information report number subject to his furnishing a personal

bond and two reliable sureties 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/-