

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40747 of 2023

Applicant :- Achche Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Vishal Jaiswal

Counsel for Opposite Party :- G.A.,Jai Prakash Singh,Sanjay Kumar Pal

Hon'ble Umesh Chandra Sharma,J.

1. Heard Sri Vishal Jaiswal, learned counsel for the applicant, learned AGA for the State, Sri Sanjay Kumar Pal, learned counsel for the informant 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.125 of 2023, under Sections 323, 324, 307, 120B IPC, Police Station Shadiyabad, District Ghazipur, during the pendency of trial.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the present case due to ulterior motive. He further submits that just after two days of the incident, the victim had been discharged. There is no report of any doctor that the injuries were dangerous to the life of the victim. There is no previous criminal history against the applicant. There is no likelihood of his abscondence or tampering with the evidence. The applicant is in jail since 08.06.2023 and in case he is enlarged on bail, he will not misuse the said liberty.
4. Learned AGA and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the facts, circumstances and the submissions made but without commenting on merits of the case, this Court is of opinion that the applicant is entitled to be enlarged on bail. Accordingly, the bail application is allowed.
6. Let the applicant - **Achche Kumar**, involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence;
- (iii) shall not pressurize the prosecution witnesses.

7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

Order Date :- 19.10.2023
Shahroz