

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 37294 of 2023

Applicant :- Ram Niwas

Opposite Party :- State of U.P.

Counsel for Applicant :- Vijay Tripathi, Punam Purwar

Counsel for Opposite Party :- G.A., Ripu Soodan Yadav, Satish Mishra, Virendra Kumar Yadav

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri Ripu Soodan Yadav, learned counsel for the informant and perused the record.

2. The FIR in question was lodged alleging that on 05.07.2023 at about 10 AM on account of a personal dispute, the applicant had hit the wife of the informant which resulted in miscarriage. Contention of counsel for the applicant is that prior to the lodging of the offence in question, an FIR was lodged at the instance of the applicant against the informant's which was registered as an NCR. Subsequently, as a sequel to the same, the FIR in question was lodged. He draws my attention to the medical report on record which does not indicate any external injury; the medical report also does not link the miscarriage to the offence in question as alleged in the FIR. The applicant is in custody since 26.07.2023 and has no criminal antecedent.

3. Learned AGA has opposed the bail application.

4. Considering the medical report which *prima-facie* does not correlate the miscarriage with the offence in question as alleged in the FIR coupled with the fact that the applicant has no criminal antecedent and there is nothing on record to demonstrate that the applicant, if enlarged on bail, can in any way adversely affect the trial, the applicant is entitled to be enlarged on bail. In view thereof, the application is **allowed**.

5. Let the applicant **Ram Niwas** be released on bail in FIR No.121 of 2023, under Section 323, 316 IPC, P.S. Nagla Singhi, District Firozabad 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 :- 20.11.2023

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