

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41046 of 2023

Applicant :- Prince Sinha @ Rupesh Sinha

Opposite Party :- State of U.P.

Counsel for Applicant :- Kartikeya Saran

Counsel for Opposite Party :- G.A., Pankaj Roy

Hon'ble Vivek Varma, J.

1. Copy of the statement of the injured Sahiddunisha and statement of the doctor have been produced by the learned AGA, the same are taken on record.
2. Heard learned counsel for the applicant, learned A.G.A. for the State and Sri Dinesh Mishra, Advocate holding brief of Sri Pankaj Roy, counsel for the informant. Perused the record.
3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in F.I.R. No. 0075 of 2023 dated 3.8.2023, under Sections 147, 307, 323, 506 I.P.C., Police Station- Chetganj, District- Kashi (Commissionerate Varanasi) during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. In the first information report four named accused persons including the applicant and 15 to 20 unknown persons are nominated. Specific role of causing firearm injury on the ear of the injured has been assigned to the applicant. However, in the statement of the injured no role has been assigned to the applicant. As per the medical report the injured sustained two injuries. In the opinion of the doctor the injury no.1 was simple in nature and the injury no.2 was caused by hard and blunt object. The doctor did not find any firearm injury. The applicant does not have any criminal history. The applicant is in jail since 4.8.2023. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
6. Having heard counsel for the parties and having perused the record, this Court prima facie finds that in the F.I.R. role of causing firearm injury on the ear of the injured has been assigned to the applicant. However, in the statement of the injured no role

has been assigned to the applicant. The doctor did not find any firearm injury. At this stage there is no clarity with regard to the role of the applicant. Further the applicant has presently remained confined for more than two months and there is no hope of early conclusion of trial, more so when no reasonable apprehension has been brought to the fore by the State that the applicant, if enlarged on bail, would either tamper with the evidence or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Prince Sinha @ Rupesh Sinha** involved in the aforesaid case be released on bail on his furnishing a personal bond and two sureties each of the like amount to the satisfaction of court concerned on the following conditions that:

- i. the applicant shall not tamper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. 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 :- 28.10.2023
S.S.