

Court No. - 72

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 40988 of 2023

Applicant :- Vishal

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Bharti, Atharva Dixit, Pranav Tiwary

Counsel for Opposite Party :- G.A., Veerendra Singh

Hon'ble Krishan Pahal, J.

1. List has been revised.
2. Heard Sri Manish Tiwari, learned Senior Advocate assisted by Sri Pankat Bharti, learned counsel for applicant, Sri Veerendra Singh, learned counsel for the informant and Sri Ram Mohit Yadav, learned A.G.A. for the State.
3. The present bail application has been filed by the applicant in Case Crime No.116 of 2023, under Sections 307, 504, 506 I.P.C. and 3/25/27 Arms Act, Police Station- Shahpur, District- Muzaffar Nagar with the prayer to enlarge her on bail.
4. As per prosecution story, the applicant alongwith his father Ram Kumar is stated to have fired at the brother Om Pal and nephew Ravi of the informant, who had gone to the field to irrigate on 18.4.2023 at about 09:30 a.m., thereby causing gunshot injuries to them.
5. Learned Senior Counsel for the applicant has vehemently argued at Bar that the FIR is delayed by about six hours and there is no explanation of the said delay caused. Learned Senior Counsel has stated that the injuries do not fall within the purview of Section 307 I.P.C. as they were not on the vital parts of the body. The injuries may maximum fall within the category of Section 325 I.P.C. only. Learned Senior Counsel has further stated that one injury sustained by the the injured Om Pal does not corroborate the prosecution story as it is a red contused swelling 14 cm x 8 cm on left forearm, which was found fractured later on in the supplementary medical report.
6. Learned Senior Counsel has further stated that the applicant has no criminal antecedent to his credit. There is no possibility of the father and son duo committing the said crime. It is further submitted that applicant is languishing in jail since 19.4.2023

and that in case he is released on bail, he will not misuse the liberty of bail and cooperate in the trial.

7. Per contra, learned counsel for the informant as well as learned A.G.A. have vehemently opposed the bail application on the ground that the injuries are on the vital organ of the body and radio-opaque shadow has been observed by the treating doctor. Furthermore, four injuries were sustained by the injured Ravi and two injuries have been sustained by Om Pal. Learned counsel has further stated that the injured persons were rushed to hospital for treatment, then the FIR has been instituted.

8. After hearing learned counsel for the parties, going through the evidence on record and taking into consideration that there are two injured persons and have sustained gunshot injury, I do not find it a fit case for grant of bail to the applicant.

9. The bail application is found devoid of merits and is, accordingly, ***rejected***.

10. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 16.10.2023

Vikas

[Krishan Pahal, J.]