

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 41068 of 2023

Applicant :- Altaf Ansari And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Vivek Mishra, Anjani Kumar Singh

Counsel for Opposite Party :- G.A., Nikhil Kumar

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicants, learned AGA for the State who has filed short counter affidavit which is taken on record and perused the record.
2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.243 of 2023, under Sections 147, 323, 504, 506, 307 IPC and Section 7 Criminal Law (Amendment) Act, Police Station Sikriganj, District Gorakhpur, during the pendency of trial.
3. Learned counsel for the applicants submits that it is a cross-case in which from both sides FIRs have been lodged against each other. He further contends that on the occasion of a religious event, the informant side had suddenly come with lathi-danda and attacked on the applicants side in which both sides have sustained injuries. It is further contended that the injuries sustained by the informant side are simple in nature. It is also contended that general role has been assigned to the applicants. The applicants have no previous criminal history. There is no likelihood of their abscondence or tampering with the evidence. The applicants are in jail since 30.07.2023, In case the applicants are enlarged on bail, they 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 applicants are entitled to be enlarged on bail. Accordingly, the bail application is allowed.

6. Let the applicants - **Altaf Ansari** and **Nizamuddin Ansari**, involved in the aforesaid case be released on bail on their furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that they:

(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;

(iv) shall not commit similar offence.

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 :- 31.10.2023

Shahroz