

**Court No. - 75**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 41550 of 2023

**Applicant :-** Bhoori Singh And Another

**Opposite Party :-** State of U.P.

**Counsel for Applicant :-** Yogesh Kumar Singh,R.P.S. Chauhan

**Counsel for Opposite Party :-** G.A.,Sanjay Singh

**Hon'ble Umesh Chandra Sharma,J.**

1. Heard learned counsel for the applicants, learned counsel for the informant as well as learned A.G.A. for the State and perused the records.
2. The instant bail application has been filed with a prayer to enlarge the applicants on bail in Case Crime No.261 of 2023, under Sections 147, 148, 149, 323, 504, 506, 307 IPC, Police Station-Khandauli, District-Agra, during pendency of the trial.
3. Counsel for the applicants submits that the applicants have been falsely implicated in the instant case. He further contended that from the side of the prosecution, only three persons have received injuries while from the side of defence, five persons have received several grievous and dangerous injuries to life in nature. He next contended that Ram Prakash, Vishnu and Krishna @ Shampu have been assigned the role of shooting, Jitendra and Chhinga @ Shivam have been assigned the role of assaulting by the iron rod and Gaurav, Balu @ Balmukund, Bhoori Singh and Saurabh are assigned the role of assault with lathi and danda. No specific role has been assigned to the present applicant. All the three accused persons, who have been assigned the role of shooting, have already been enlarged on bail. It is lastly contended that the applicants are in jail since 16.7.2023, having no criminal antecedent to their credit, in case, they are enlarged on bail, they will not misuse the said liberty.
4. Per contra, learned counsel for the informant as well as learned A.G.A. have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made above and the fact that

the applicants have remained confined for four 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 applicants, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without commenting on the merits of the case, I am of the opinion that the applicants are entitled to be enlarged on bail.

6. Let the applicants, Bhoori Singh and Chhingra @ Shivam, involved in the aforesaid case be released on bail on their 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 applicants shall not temper with the prosecution evidence;
- ii. the applicants shall not pressurize the prosecution witness;
- iii. the applicants shall appear on each and every date fixed by the trial court.

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 :- 9.11.2023**

m.a.