

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 42953 of 2023

Applicant :- Akhilesh Bind @ Chhangur And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- Bed Kant Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Umesh Chandra Sharma,J.

1. Heard learned counsel for the applicants, learned AGA for the State 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.327 of 2023, under Sections 307, 323, 325, 504, 506 and 34 IPC, Police Station Bansdih, District Ballia, during the pendency of trial.

3. Learned counsel for the applicants contends that the occurrence took place all of sudden without any premeditation of mind. An application under Section 156(3) CrPC has also been moved from the side of the accused side. It is further contended that both side sides have sustained injuries. From the side of the informant side three persons have sustained injuries and also two persons from the accused side have sustained injuries. As per the medical report, the injuries sustained by the informant side are simple in nature. No supplementary medical report has been submitted from the informant side. It is contended that there is no previous criminal history against the applicants. There is no likelihood of their abscondence or tampering with the evidence. The applicants are languishing in jail since 31.07.2023. In case the applicants are released on bail, they will not misuse the said liberty.

4. Learned AGA has 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 - **Akhilesh Bind @ Chhangur** and **Ramesh Bind**, involved in the aforesaid case crime be released

on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to the conditions that he:

(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.

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 :- 28.10.2023

Shahroz