

Court No. - 75

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 43478 of 2023

Applicant :- Durga Singh @ Chhotu

Opposite Party :- State of U.P. and Another

Counsel for Applicant :- Shashi Shankar Shukla

Counsel for Opposite Party :- G.A., Atul Pandey, Prakash Chandra Tripathi

Hon'ble Umesh Chandra Sharma, J.

1. Heard learned counsel for the applicant, learned counsel for the informant and 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 applicant on bail in Case Crime No. 0367 of 2023, under Sections 323, 341, 504, 506, 307, 352, 34 IPC, Police Station Shajanwa, District Gorakhpur, during pendency of the trial.
3. Learned counsel for the applicant submits that applicant has falsely been implicated in this case. It is further submitted that the injured was admitted for the purpose of treatment but he was discharged next day from the hospital. It is next submitted that there is no medical report that the injury were dangerous or fatal to the life. It is next submitted that it is a case of Section 325 I.P.C. even Section 307 I.P.C. would not be attracted. It is next submitted that co-accused person, Ramanand Singh has already been granted bail by this Court vide order dated 18.09.2023 in Criminal Misc. Bail Application No.40548 of 2023, therefore, the accused applicant is also entitled for bail. It is further submitted that the accused applicant has no criminal history to his credit. The applicant is languishing in jail since 19.07.2023, in case he is enlarged on bail, he will not misuse the said liberty, and there is no likelihood of abscondence or tampering with evidence.
4. learned A.G.A. as well as learned counsel for the informant have also opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having regard to the submissions made but without commenting on merits of the case, I am of the opinion that the applicant is

entitled to be enlarged on bail.

6. Let the applicant, **Durga Singh @ Chhotu** 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 temper with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall attend the court regularly specially on the occasion of framing of charge, on the dates of examination of witnesses of fact, on the date of statement recorded under section 313 Cr.P.C and also on the date of argument and judgment without any delay.

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 :- 7.11.2023

Shivangi