

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 45887 of 2023

Applicant :- Pappu

Opposite Party :- State of U.P.

Counsel for Applicant :- Pankaj Kumar Tyagi

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicant, learned AGA and perused the record.

2. The FIR in question was lodged, alleging that four persons named in the FIR, including applicant, had assaulted the husband of the informant with lathi-danda, causing injuries to him.

3. Learned counsel for the applicant submits that there was general allegation of assault against four persons, including applicant. No specific role has been assigned to the applicant. The injured in his statement has specifically mentioned that in the night he along with applicant was consuming liquor at his resident, subsequently, on account of some dispute an altercation took place between them and thereafter the applicant along with other three accused persons caused injuries to the injured by using knife. The injury report of the victim is on record, which does not indicate any fatal injury. It is further submitted that applicant has no criminal antecedent except the present one and he is in jail since 2.09.2023.

4. Learned AGA has opposed the bail application.

5. Considering the fact that there was general allegation of assault, considering the nature of injury, considering that the applicant has no criminal antecedents to his credit, except offence under Excise Act, in which he has already been granted bail and as such the applicant is entitled to be enlarged on bail. In view thereof, the application is allowed.

6. Let the applicant **Pappu** be released on bail in FIR No. 227 of 2023, under Sections 452, 323 and 307 I.P.C., P.S. Nangal, district-Saharanpur, on his furnishing a personal bond with two sureties of Rs.25,000/- each to the satisfaction of court concerned with the following conditions:

(a) The applicant shall execute a bond to undertake to attend the hearings;

(b) The applicant shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and

(c) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

Order Date :- 7.11.2023

Faridul