

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46468 of 2023

Applicant :- Ravikant Tiwari

Opposite Party :- State of U.P.

Counsel for Applicant :- Prem Shanker Mishra, Chandra Bhushan Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia, J.

1. Heard learned counsel for the applicant, learned AGA; Shri Satyajeet Gautam, learned counsel for the informant and perused the record.

2. The FIR in question was initially lodged under Section 323, 504 & 506 IPC. Subsequently, the charge under Section 325 & 308 was also added. Counsel for the applicant argues that in the FIR it was alleged that on account of a dispute pertaining to land, an altercation took place which resulted in fighting. Cross-FIRs were lodged from both the sides. He argues that initially the victim Ram Asre was shown to be inflicted with three injuries. Subsequently, however, in the medical, he was shown to be carrying as many as 8 injuries. In the subsequent X-Ray, substantial injury on the temporal bone was also seen in the form of a fracture.

3. Counsel for the applicant draws my attention to the statement of the victim Ram Asre, which is on record, to demonstrate that general allegations were levelled against all accused without there being any specific role assigned to any of the accused. He further argues that in the cross-FIRs lodged, the informants have been enlarged on bail; their bail orders are on record. As regards the criminal antecedent, the applicant has stated the same in Para - 4 of the bail application wherein in a sole case, he is on bail. In the light of the said it is argued that the applicant, who is in custody since 18.09.2023, should be enlarged on bail.

4. Learned counsel for the informant opposed the bail application by arguing that injury on the temporal bone in the form of a fracture is revealed, as such, no case for bail is made out.

5. Learned AGA has opposed the bail application.

6. Considering the fact that the entire dispute arose in between the

parties pertaining to the ownership of the land and in the altercation that ensued, the offence had taken place, *prima-facie*, the intent so as to attract Section 308 IPC is not made out either from the FIR or the statement and further, no specific role has been assigned to any of the accused of causing injury, which is said to be severe. In view thereof, the application is **allowed**.

7. Let the applicant **Ravikant Tiwari** be released on bail in FIR No.50 of 2023, under Section 323, 325, 504, 506, 308 IPC, P.S. Manda, District Prayagraj 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 :- 2.11.2023

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