

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 48015 of 2023

Applicant :- Chandan Kumar Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ajeet Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Vivek Varma,J.

1. Supplementary affidavit filed by counsel for the applicant is taken on record.
2. Heard counsel for the applicant and Sri Neeraj Kumar Sharma, learned AGA for the State.
3. The instant bail application, under Section 439 Cr.P.C., has been filed with a prayer to enlarge the applicant on bail in Case Crime No. 245 of 2023, under Section 307 of I.P.C. and Section 4/25 of Arms Act, Police Station- Phephna, District- Ballia during pendency of the trial.
4. Counsel for the applicant submits that the applicant has been falsely implicated in the instant case. As per the allegations in the first information report, the applicant is alleged to have assaulted the informant. As per the medical report, the injured sustained two injuries. The said injuries were referred for x-ray examination. As per the x-ray report, no bony injuries were found. It is contended that the applicant did not have any intent to kill the informant. The applicant is in jail since 02.09.2023, having no criminal history. In case he is enlarged on bail, he will not misuse the said liberty.
5. Learned A.G.A. has opposed the prayer for bail but could not satisfactorily dispute the aforesaid facts from the record.
6. Having heard learned counsel for the parties and having perused the record this Court prima facie finds that as per the x-ray report, no bony injuries were found. At this stage, there is no substantive evidence that the applicant had any intent to kill the injured. Further, the applicant has no criminal antecedents and has remained confined for more than three 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 applicant, if enlarged on bail, would either tamper with the evidence or delay the trial or intimidate the witness, without

commenting on merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

7. Let the applicant, **Chandan Kumar Singh**, 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 tempfourer with the prosecution evidence;
- ii. the applicant shall not pressurize the prosecution witness;
- iii. the applicant shall appear on each and every date fixed by the trial court.

8. 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 :- 12.12.2023

Sachin Mishra