

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 47982 of 2023

Applicant :- Vishram Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Satyam Singh, Ashish Kumar Srivastava, Sr. Advocate

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Heard Sri Shivraj Singh and Sri Ashish Kumar Srivastava, learned counsels for the applicant and Sri Ram Narayan Srivastava, learned AGA for the State.
2. The instant bail application has been filed on behalf of the applicant seeking release on bail in Case Crime No. 164 of 2023 under sections 302, 506 IPC, Police Station Bagwala, District Etah.
3. FIR of the present case was registered against the applicant and two others under sections 304 and 506 IPC and according to the FIR, when brother of the informant was returning home from Etah, on the way, applicant and two others intercepted him and thereafter they consumed liquor with him and made assault upon him through wooden sticks. It is further mentioned in the FIR that the incident has been witnessed by brothers of the informant namely Yadram and Gajraj Singh and and son of the deceased, Gaurav. Due to the assault made by the applicant and other two co-accused persons, brother of the informant sustained injuries and subsequently, he succumbed to his injuries.
4. Learned counsel for the applicant submits, on the basis of general allegations, applicant has been made accused in the present matter along with two others and in the FIR, name of three witnesses were disclosed and all of them are close relatives of the informant and the deceased and out of three witnesses, two were brothers of the diseased and one was his son.
5. He next submitted, however, during investigation, investigating officer introduced one independent witness Lokendra but all the alleged witnesses made general allegations against the applicant.

He further submits post mortem report of the deceased suggest that the diseased died due to injury on head. He next submitted that even from the injury sustained by the diseased, it cannot be gathered that applicant and other accused persons were having any intention to cause his death.

6. He next submits, bail application of co-accused Rajveer has been allowed by Co-ordinate Bench of this court vide order dated 01.11.2023 passed in Bail Application No. 46162 of 2023 and case of the applicant is at par with him.

7. He further submits that applicant has no previous criminal history and he is in jail since 16.7.2023.

8. *Per contra*, learned A.G.A. opposed the prayer for bail but he could not dispute the argument on facts as advanced by learned counsel for the applicant.

9. I have heard both sides and perused the record of the case.

10. Considering the fact that on the basis of general allegation, applicant has been made accused in the present matter along with two others and postmortem report of the diseased also shows that diseased died due to head injury and co-accused has already been released on bail and case of the applicant is at par with him, in my view, applicant is entitled to be released on bail.

11. Accordingly, without expressing any opinion on the merits of the case, the instant application is **allowed**.

12. Let the applicant **Vishram Singh** be released on bail in the aforesaid case on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions:-

(i) The applicant shall appear before the trial court on the dates fixed, unless his personal presence is exempted.

(ii) The applicant shall not directly or indirectly, make 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 any police officer or tamper with the evidence.

(iii) The applicant shall not indulge in any criminal and anti-social activity.

13. In case of breach of any of the above conditions, the

prosecution will be at liberty to move an application before this Court for cancellation of bail of the applicant.

14. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 8.11.2023

Madhurima