

Court No. - 74

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 46808 of 2023

Applicant :- Pradeep Kumar Singh @ Vikky

Opposite Party :- State of U.P.

Counsel for Applicant :- Rohit Singh, Anil Kumar Singh, Mahendra Pratap Singh

Counsel for Opposite Party :- G.A., Manoj Kumar Singh, Swatantra Singh

Hon'ble Vivek Varma, J.

1. Heard learned counsel for the applicant, Sri V.P. Tripathi, learned A.G.A. for the State-opposite party, and Sri Manoj Kumar Singh, learned counsel for the informant.
2. The instant bail application under Section 439 Cr.P.C. has been filed with the prayer to enlarge the applicant on bail in Case Crime No. 196 of 2023, under Sections 504, 506, 307 I.P.C., Police Station Chandwak, District Jaunpur during the pendency of the trial.
3. Learned 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 caused firearm injury on the shoulder of injured Amit Singh. The said injury was kept under observation and was referred for X-ray examination. No X-ray report is available on the case diary. There is no statement of the doctor that the said injury was found grievous in nature. It is next contended that in the alleged incident the applicant has also received injuries. The injuries of the applicant were examined in the same hospital. It is contended that application was moved by the applicant for registration of the first information report against the informant but it was not registered. The injuries sustained by the applicant have not been explained by the prosecution. The applicant is in jail since 30.08.2023 having no criminal history and if he is released on bail, he will not misuse the said liberty.
4. Learned A.G.A. and learned counsel for the informant have opposed the prayer for bail but could not satisfactorily dispute the aforesaid submissions from the record.
5. Having heard learned counsel for the parties and after

perusal of the record, this Court prima facie finds that there is no report/ supplementary medical report or the statement of the doctor to show that the injury sustained by injured Amit Singh was grievous in nature and dangerous to life. Further, in the alleged incident the applicant has also received injuries. At this stage there is no clarity with regard to role of the applicant. The applicant has no criminal antecedents. Moreover, the applicant has remained confined for more than two and half months and after submission of the charge-sheet there is no hope of early conclusion of trial, and 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, therefore, without commenting on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail.

6. Let the applicant- Pradeep Kumar Singh @ Vikky, involved in the aforesaid case, be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of Court concerned subject to the conditions that he:

- (i) shall appear on the date fixed by the trial court;
- (ii) shall not tamper with the prosecution evidence; and,
- (iii) shall not pressurize the prosecution witnesses.

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 :- 23.11.2023
SKT/-