

Court No. - 44

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 49428 of 2023

Applicant :- Riyazuddin And Another

Opposite Party :- State of U.P.

Counsel for Applicant :- M J Akhtar

Counsel for Opposite Party :- G.A.

Hon'ble Pankaj Bhatia,J.

1. Heard learned counsel for the applicants, Mohd. Azam who appears for the informant as well as learned AGA and perused the record.

2. The accused-applicants seek bail in Case Crime No.149 of 2023 under sections 323, 452, 504, 506, 427, 325, 308 IPC, P.S. Pharenda, District Maharajganj.

3. In terms of the FIR, it was alleged that on 24.04.2023, all the accused named in the FIR abused and caused substantial injuries to the informant as well as to one Aurangjeb.

4. The contention of the counsel for the applicant is that initially the FIR was lodged under section 323, 452, 504, 506 and 427 IPC. Subsequently based upon the injuries caused to one Jamaluddin, additional sections have been invoked against the applicant under section 325 and 308 IPC also. He argues that neither in the FIR nor in the statement, the name of Jamaluddin was stated who have suffered injuries, as such, the case is being build up on false narrative against the applicant and the applicant has no criminal history.

5. The counsel for the informant, on the other hand, strongly opposes the bail application by arguing that an application was moved to include the name of Jamaluddin, however the I.O. did not include the name of Jamaluddin.

6. From the perusal of the statement on record, it appears that on account of cricket revelry, certain altercation took place, the nature of injuries sustained by the informant and Aurangjeb do not reveal any major injury, the name of Jamaluddin was neither disclosed in the FIR nor in the statement, coupled with the fact that the applicant has no criminal history and there is nothing on record to

demonstrate that the applicants if enlarged on bail may adversely affect the trial, the applicants are entitled for the bail. Thus the bail application is allowed.

7. Let the applicants Riyazuddin and Salman be released on bail in aforesaid first information report number subject to their furnishing a personal bond and two reliable sureties of Rs.25000/- (Twenty Five Thousand) each of the like amount to the satisfaction of the court concerned with the following conditions:

- (a) The applicants shall execute a bond to undertake to attend the hearings;
- (b) The applicants shall not commit any offence similar to the offence of which he is accused or suspected of the commission; and
- (c) The applicants 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 :- 21.11.2023

VNP/-