

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 53196 of 2023

Applicant :- Prashant

Opposite Party :- State of U.P.

Counsel for Applicant :- Ankur Singh

Counsel for Opposite Party :- G.A., Dharmendra Pratap Singh

Hon'ble Sameer Jain, J.

1. Sri Dharmendra Pratap Singh, Advocate, filed his power today on behalf of the informant, which is taken on record.

2. Heard Sri Ankur Singh, learned counsel for the applicant, Sri Dharmendra Pratap Singh, learned counsel for the informant and Sri Pradeep Kumar, learned AGA for the State-respondent.

3. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 0364 of 2023, under Sections 147, 148, 323, 504, 304 IPC, Police Station- Khatauli, District- Muzaffarnagar, during pendency of the trial in the court below.

4. FIR of the present case was lodged on 03.09.2023 at about 3:23 hours under Sections 147, 148, 323, 354, 504 IPC against applicant and five others and according to the FIR, on 02.09.2023 family members of the applicant teased the sister of the informant and thereafter when informant and others went at the house of the applicant to make complaint then they made assault upon them through wooden sticks and due to assault made by them the brother of the informant Ammar, Guddu and his *bua* Shamsheeda sustained injuries.

5. Learned counsel for the applicant submitted that initially FIR of the present case was lodged under Sections 147, 148, 323, 354, 504 IPC but after 26 days when one of the injured Guddu died then case was converted under Section 304 IPC. He further submitted that only general allegation has been levelled against all the accused persons including applicant and admittedly incident took place in the house of the applicant and it appears, informant side was the aggressor.

6. He further submitted that actually in the incident, from the side

of applicant also three persons sustained injuries and from the side of applicant, on the same date i.e. 03.09.2023 a FIR was lodged against the informant side. He further submitted that post-mortem report of the deceased suggests that he died due to head injury but it is not on record that applicant is the author of this injury.

7. He further submitted that applicant is not having any criminal history and he is in jail since 29.09.2023.

8. Per contra, learned AGA as well as learned counsel for the informant although, opposed the prayer for bail but could not dispute the fact that only general allegation has been made against all the accused persons and incident occurred in the house of the applicant and from the side of the applicant also a FIR was lodged against the informant side and from the side of applicant also three persons sustained injuries.

9. I have heard learned counsel for the parties and perused the record of the case.

10. Considering the fact that only general allegation has been levelled against all the accused persons including applicant and incident occurred in the house of the applicant and even from the side of applicant, three persons sustained injuries and from the side of applicant also a FIR was lodged, 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 bail application is **allowed**.

12. Let the applicant- **Prashant** 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 condition, the prosecution will be at liberty to move an application before this Court for cancellation of the 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 :- 12.12.2023

KK Patel