

**Court No. - 29**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 466 of 2023

**Applicant :-** Manna

**Opposite Party :-** State Of U.P. Thru. Prin. Secy. Home Lko.

**Counsel for Applicant :-** Priyanka Yadav, Rajesh Kumar Awasthi

**Counsel for Opposite Party :-** G.A.

**Hon'ble Mrs. Sadhna Rani (Thakur),J.**

Heard learned counsel for the applicant, learned A.G.A. and perused the record.

This application has been moved by the applicant with a prayer to enlarge him on bail in Case Crime No.443 of 2022, under Sections 323, 324, 504, 506, 307 I.P.C., Police Station Biswan, District- Sitapur.

It is argued by the learned counsel for the applicant that in the FIR general role of assault with baton, stick and knife is attributed to the present applicant and co-accused both. In the injury report, no injury of baton and stick is found on the person of the injured. Both the injuries found by the doctor are incised wounds. Injury no.1 is muscle deep wound and injury no.2 is skin deep wound, regarding which, no supplementary report has been filed. After two days of the incident, recovery of knife is shown at the instance of the present applicant. The applicant is languishing in jail since 06.09.2022, hence, the prayer of bail is made.

Learned A.G.A. opposed the prayer and submitted that both the incised wounds are on the neck of the injured, which shows that the applicant inflicted these injuries with intention of causing death of the injured.

It has come in the statement of the injured that it was the present applicant, who inflicted knife injuries on his neck. It is also admitted fact that though, as per medical report both the injuries of the injured were kept under observation but no supplementary report or any further report regarding the nature of the injuries of the injured has been placed before the Court. As per this medical report, the injured was referred to the District Hospital for expert surgical opinion and for further better treatment and management but no supplementary report

or any opinion of any other doctor is placed before the Court by the learned A.G.A. Two incised wounds found on the neck of the injured are skin deep and muscle deep respectively. The nature of the injuries has not put before the Court. The applicant is languishing in jail since 06.09.2022.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant, **Manna**, 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 the court concerned subject to following conditions:-

1. The applicant will attend and co-operate in the trial pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge himself in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

**Order Date :- 29.11.2023**

Radhika