

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5926 of 2023

Applicant :- Dinesh Chandra

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

Counsel for Applicant :- Suhail Kashif, Aishwarya Pratap Singh, Rajesh Kumar

Counsel for Opposite Party :- G.A., Akhand Pratap Singh, Sharad Nandan Ojha

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

1. Heard learned Counsel for the applicant, learned counsel for the first informant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No.100 of 2023, under Sections- 307, 323, 504 & 506 IPC, Police Station - Kothi, District- Barabanki.
3. It is argued by learned counsel for applicant that as per the FIR, there is allegation of assault on first informant namely Amar Singh by a sharp edged weapon (*banka*) by the applicant . The injury report of injured namely Amar Singh is appended at page 25 of the paper-book wherein three injuries are shown on the head of the injured and at serial four, complaint of vomiting, two episodes has been mentioned. The NCCT head of the injured was referred to the District Hospital. The report of NCCT head of the injured is placed before this Court by the applicant's counsel whereby no serious neuroparenchymal abnormality is found and the injuries are claimed to be simple.
4. It is further argued by learned counsel for the applicant that the false recovery of *banka* is shown from him because as per the newspaper paper cutting placed before the Court by way of supplementary affidavit, the applicant was taken into custody by police on 13th of March, 2023 but his arrest has been shown by the Police on 14th of March, 2023. The applicant is said to be languishing in jail since 14.03.2023. Hence the prayer for bail is made.
5. Learned A.G.A. and learned counsel for the first informant, however, opposed the prayer for the bail of the applicant and submitted that the applicant has the criminal history of three cases and there is recovery of weapon *banka* from him. The doctor has also supported the medical report of the injured.

6. Perusal of the placed record shows that the applicant has been assigned the role of assaulting the injured on his head with *banka*. Two incised wound and one abrasion is shown on the person of the injured as per injury report. Regarding history of two episodes of vomiting, the NCCT head of the injured was referred and regarding the report of CT scan of the brain (plain) no serious neuroparenchymal abnormality was found. In the statement of Dr. Mohd Hasib, it has come that the injuries are on the vital part so the intention of the applicant cannot be said to be bonafide, however, he has admitted that CT scan report is found to be normal, no report of any District Hospital has been placed before this Court. The applicant is languishing in jail since 14.03.2023.

7. 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 case of bail.

8. The bail application is **allowed**.

9. Let the **applicant- Dinesh Chandra**, who is involved in aforesaid crime 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.

(i) The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.

(i) He will not tamper with the witnesses.

(iii) He will not indulge in any illegal activities during the bail period.

10. 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 the prison.

11. 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 :- 12.12.2023

Mohit Singh/-