

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 7496 of 2023

Applicant :- Shiv Kumar Singh

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

Counsel for Applicant :- Arun Saxena, Bhoopal Singh, Pradyumn Shukla, Qasim Abbas Zaidi

Counsel for Opposite Party :- G.A., Sanjay Singh Chauhan

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bhoopal Singh, learned counsel for the applicant and Sri Ankit Kumar, learned AGA for the State and perused the records.
2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.0082 of 2023, under Sections 341, 323, 504, 506, 427, 326/34 IPC, Police Station Hargaon, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.02.2023 against four persons including the applicant alleging that because of a political animosity all the accused persons had attacked with an intention to kill the informant and when his cousin tried to intervene, they were also assaulted. The injury report of three injured persons namely Kaushalendra Singh, Ganga Baksh Singh and Sarda Baksh Singh mention some simple skin deep lacerations suffered by them. However, a supplementary report states that Sharda Baksh had suffered a grievous injury on his right eye. Sarda Baksh Singh and other witnesses have specifically stated that grievous injury was caused by another co-accused persons.
4. In the affidavit filed in support of the application, it has been stated that the applicant has been falsely implicated in the present case, he is an innocent person and he has no criminal history.
5. The learned counsel for the applicant has submitted that co-accused Suraj Singh @ Kamal Kumar Singh, has already been granted bail by means of an order dated 03.10.2023 passed by this Court in Criminal Misc. Bail Application

No.11773 of 2023.

6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR contains general allegations against the applicant and the role of causing grievous injury have been assigned to another co-accused persons and that one of the co-accused persons has already been granted bail, I am of the view that the applicant is also entitled to be released on bail in the present case.

8. Accordingly, this bail application stands **allowed.**

9. Let the applicant- **Shiv Kumar Singh** 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 magistrate/court concerned, subject to following conditions:-

(i) the applicant shall not tamper with the prosecution evidence;

(ii) the applicant shall not pressurize the prosecution witnesses;

(iii) the applicant shall appear on each and every date fixed by the trial court.

(Subhash Vidyarthi,J.)

Order Date :- 6.11.2023

Preeti.