

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 8685 of 2023

Applicant :- Mohd. Shahzeb

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

Counsel for Applicant :- Farooq Ayoob, Diwakar Singh

Counsel for Opposite Party :- G.A.

AND

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9610 of 2023

Applicant :- Abdul Hadi

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

Counsel for Applicant :- Taufeeq Ahmad

Counsel for Opposite Party :- G.A.

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

As both the bail applications are moved with regard to same case crime number, hence, they are being decided by a common order.

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

The above two applications have been moved by the applicants - Mohd. Shahzeb and Abdul Hadi to enlarge them on bail in Case Crime No. 650 of 2023 under Sections 323, 307, 386, 34 IPC, Police Station Kotwali Nagar, District Barabanki.

It is argued by the learned counsel for the applicants that there is allegation of thrashing the first informant and one more person by the applicants. The general role has been assigned to all the accused persons. The injuries of Mohd. Vaish are found to be simple and in the x-ray report of Faisal no bony injury is found. Applicant - Mohd. Shahzeb is languishing in jail since 04.06.2023 and applicant - Abdul Hadi is languishing in jail since 19.06.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that as per injury report of Faisal, her injuries no. 1 to 5 were kept under observation and the x-ray was advised. Though, no bony injury was found in the x-ray of Faisal but in the statement of the doctor it has come that due to excessive bleeding from the head injuries of Faisal, the condition of Faisal was looking serious. Afterwards the situation became normal.

From perusal of the record, it is found that the allegation against both the applicants is of asking for Rs. 40/- each from both the injured persons and in the absence of payment they are said to

have been thrashed with lathi and danda by the present applicants. Admittedly, the injuries of Mohd. Vaish are found to be simple but as per injury report of Faisal except injury nos. 6 and 7, all the injuries were kept under observation. after x-ray no abnormality or any bony injury was found but in the statement of the doctor it has come that due to excessive bleeding the condition of the injured was looking serious. However, later on everything became normal. The applicants are languishing in jail since 04.06.2023 and 19.06.2023 respectively.

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

The bail application is allowed.

Let the applicants **Mohd. Shahzeb and Abdul Hadi** involved in the aforesaid case be released on bail on furnishing personal bonds and two sureties each in the like amount to the satisfaction of the court concerned subject to the following conditions:-

1. The applicants will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. They will not tamper with the witnesses.
3. They will not indulge 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 court below shall be at liberty to cancel the bail and send the applicants to the prison.

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

Order Date :- 8.12.2023

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