

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9169 of 2023

Applicant :- Mohd. Ibrar

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

Counsel for Applicant :- Mohd. Mansoor, Mohammad Danish

Counsel for Opposite Party :- G.A., Anand Kumar Tiwari, Sukh Deo Singh

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mohd. Mansoor, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.139 of 2023, under Sections 147, 148, 307, 323 I.P.C., registered at Police Station Jamo, District Amethi.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 28.05.2023 against four named persons, including the applicant, and 5-6 unknown persons, alleging that all the accused persons had waylaid the informant's son and one Vipin Singh, they had fired at them with pistol and when both of them fell down, all the accused persons had assaulted them with iron rods and sticks.
4. The medico legal examination report of Shashank Singh issued by the Command Hospital, Lucknow mentions that he had come walking to the hospital and he had a moderate head injury. No other injury is mentioned in his medical papers.
5. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case and has no criminal history.
6. The learned counsel for the applicant has submitted that co-accused persons, namely, Nazim Ali and Mohd Meraj, have already been granted bail by means of an order dated 03.10.2012 passed by this Court in Criminal Misc. Bail

Application No.11628 of 2023.

7. The learned A.G.A. has opposed the prayer for bail and on the basis of instructions, he has stated that other person Vipin Singh has also suffered head injury and an injury on his jaw.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that four named persons and 5-6 unknown persons are said to have fired on two persons but no person has received any firearm injury in the incident; that all the 9-10 accused persons are said to have assaulted two persons with sticks and iron rods and both the injured persons have suffered injuries on their heads and jaw only and there is no injury on any other part of their bodies; that two co-accused persons have already been granted bail, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 29.05.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Mohd. Ibrar** 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 :- 22.11.2023

Preeti.