

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 9633 of 2023

Applicant :- Ram Dev Patel

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

Counsel for Applicant :- Somesh Tripathi, Ratna Pandey Ratna Singh

Counsel for Opposite Party :- G.A.

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

1. Heard learned counsel for the applicant as well as learned A.G.A. and perused the record.
2. The accused- applicant is involved in Case Crime No.35 of 2023, under Sections 323, 504, 506, 324 and 307 I.P.C. Police Station Ramganj, District- Amethi.
3. It is argued by learned counsel for applicant that the applicant is a railway employee and has been falsely implicated in the present case. As per the injury report dated 28.08.2022, injuries on the person of injured were found to be simple in nature. It is next submitted that there is no criminal antecedent of the applicant and he is languishing in jail since 28.03.2023. Hence, the prayer for bail is made.
4. Learned A.G.A. opposed the prayer of applicant and submitted that the applicant inflicted seven injuries on the person of injured and the knife used in the alleged incident is said to have been recovered at the pointing of the applicant. He further submitted that as per the statement of doctor, the wound was already stitched and bandage was also present, so he has mentioned that the injuries were caused by some hard and blunt object.
5. Perusal of record shows that there is allegation of assault with knife on the injured against the present applicant. The

injured is said to have sustained seven injuries, the nature of injuries is not mentioned in the report. Weapon mentioned by the doctor in the report is the hard and blunt object. Doctor has admitted in his statement that the wounds were already stitched and bandage was also present on the injuries so he noted that the injuries were caused by some hard and blunt object. There is no injury report showing the initial examination of the injured. The nature of injury is also not placed before this Court. Applicant is languishing in jail since 28.03.2023.

6. 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.

7. The bail application is **allowed**.

8. Let the applicant **Ram Dev Patel**, 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.

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

b. He will not tamper with the witnesses.

c. He will not indulge in any illegal activities during the bail period.

9. 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.

10. 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 :- 8.12.2023

V. Sinha