

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10697 of 2023

Applicant :- Shiv Kumar

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

Counsel for Applicant :- Eshan Garg, Sharad Nandan Ojha

Counsel for Opposite Party :- G.A., Savita Tiwari, Suresh Chandra Srivastava, Vaibhav Srivastava

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

Heard Sri Eshan Garg, learned counsel for the applicant, Smt. Savita Tiwari, learned counsel for the complainant, learned A.G.A. and perused the record.

This application has been moved by the applicant - Shiv Kumar to enlarge him on bail in Case Crime No. 83 of 2023 under Sections 452, 324, 326, 504, 506 Police Station Dhourahara, District Kheri.

It is argued by the learned counsel for the applicant that in the FIR neither any specific weapon is assigned to the present applicant nor any recovery of any weapon is shown from him. In the supplementary report no bony injury is found on the person of the injured. The supplementary report has been filed after one month of the incident. There is no criminal history to the credit of the applicant. Co-accused Sheela Devi @ Priyanka, the wife of the applicant has been granted bail by the coordinate bench of this court. The applicant is languishing in jail since 06.06.2023, hence, the prayer for bail is made.

Learned A.G.A. opposed the prayer for bail and submitted that the statement of the injured is appended at page-13 of the counter affidavit, wherein he has stated that till the date of statement dated 13.06.2023 he was under treatment.

From perusal of the record, it is found that all the injuries mentioned in the injury report are incised wounds, all the injuries except injury no. 1 were found to be simple. The injury no. 1 was kept under observation. As per supplementary report, no bony injury was found but this injury was found to be grievous in nature. Co-accused Sheela Devi @ Priyanka showing identical role in the FIR has been granted bail by the coordinate bench of this court. The applicant is languishing in

jail since 06.06.2023.

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 applicant - **Shiv Kumar** 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 applicant will attend and co-operate the trial proceedings pending before the court concerned on the date fixed after release.
2. He will not tamper with the witnesses.
3. He 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 applicant to prison.

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 :- 30.11.2023

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