

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11165 of 2023

Applicant :- Arman @ Bhanu

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

Counsel for Applicant :- Ramendra Kumar

Counsel for Opposite Party :- G.A.,Manju Gupta,Rajesh Kumar Srivastava

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ramendra Kumar, the learned counsel for the applicant as well as Sri Virendra Kumar, the learned A.G.A-I for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 205 of 2023, under Section 307, 323, 504 I.P.C., registered at Police Station Talgaon, District Sitapur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 02.07.2023 against four persons including the applicant, stating that all the accused persons had abused and assaulted the informant's nephew with sticks and spade causing serious injuries to him.
4. In the statement of the victim recorded under Section 161 Cr.P.C, he stated that the applicant and co-accused Meraj had caught hold of him and pushed him to the ground and on their exhortation, the other co-accused Araz had assaulted on his neck with a spade. Co-accused Meraj has been granted bail by this Court by means of the order dated 03.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.11735 of 2023.
5. The treatment paper issued by King George Medical University mentions that the injured was allegedly hit by a meat chopper knife, the injury was reported to be critical.
6. The learned A.G.A. has opposed the prayer of 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 victim has not assigned the role of causing the wound against the applicant, coupled with the fact that the applicant has no criminal history and he is languishing in jail since 16.07.2023, a similarly situated co-accused Meraj has already been granted bail and without making any observations which may affect the merits of the case, I am of the view that the aforesaid facts are sufficient for making out a case for enlargement of the applicant on bail.

8. Accordingly, this bail application stands allowed.

9. Let the applicant- Arman @ Bhanu 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 the 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 :- 6.12.2023
prateek