

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 11371 of 2023

Applicant :- Sharda Pasi

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

Counsel for Applicant :- Archana 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. 306 of 2021, under Sections 323, 504, 506 and 308 IPC, Police Station Kotwali Nagar, District- Raebareli.
3. It is argued by learned counsel for applicant that there is allegation of thrashing the husband of husband of first informant at the hands of applicant and one co-accused. As per injury report, six injuries were found on the person of the injured, injury no. 1 and 3 were kept under observation and rest injuries were found to be simple. After x-ray, as per supplementary report the right occipital bone of the injured was found fractured. The applicant is innocent, he has done no wrong. The applicant is languishing in jail since 22.07.2023. Hence the prayer for bail is made.
4. Learned A.G.A. opposed the prayer for bail of the applicant and submitted that the occipital bone of injured was found fractured due to the assault of the present applicant. It is submitted that there is criminal history of one case against the applicant.
5. This case is disclosed to be a case under Excise Act.
6. From the perusal of record, it is found that due to the assault

of the applicant, the victim is said to have sustained six injuries. As per medical report, the fracture of occipital bone of the injured was found. This report has been supported by the statement of the doctor. The applicant is languishing in jail since 22.7.2023.

7. 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.

8. The bail application is allowed.

9. Let the applicant Sharda Pasi, 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.

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

2. He will not tamper with the witnesses.

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

10. 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.

11. 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/Virendra