

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12060 of 2023

Applicant :- Tanveer Shukla @ Sonu

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

Counsel for Applicant :- Surya Prakash Singh, Shubhranshu Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Surya Prakash Singh, the learned counsel for the applicant, Sri Amit Kumar Dwivedi, the learned AGA-I for the State, Sri Vinod Kumar Singh, the learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No. 79 of 2023, under Sections 147/ 323/ 307/34 IPC, Police Station Baba Bazar, District Faizabad/Ayodhya.

3. The aforesaid case has been registered on the basis of an FIR lodged on 17.06.2023 against six persons, including the applicant, stating that all the accused persons were beating one Anant Ram Shukla and when Mohit Shukla and Atma Ram Shukla tried to save him, co-accused persons Karunasindhu Shukla and Saloni fired at him with a country made pistol.

4. Atma Ram Shukla and Mohit Shukla have received gun shot injuries in the incident and Anant Ram Shukla is said to have suffered head injury. However, the documents relating to treatment of Anant Ram Shukla at KGMU, Lucknow do not make mention of head injury. An FIR bearing Case Crime No. 82 of 2023 was lodged regarding the same incident from the side of the applicant also against four persons, including all the three injured persons, stating that they had assaulted the applicant and one Soni and when Karunasindhu tried to save them, he was also beaten up.

5. In the statement of co-accused Saloni, she stated that she had tried to save her father Karunasindhu and had fired a shot in the process. Karunasindhu had suffered numerous injuries in the incident, as appears from his medico legal

examination report. Two other persons from the applicant's side have received injuries in the incident.

6. The learned counsel for the applicant has submitted that co-accused Ishu @ Ranveer, has already been granted bail by means of an order dated 03.10.2023 passed this Court in Criminal Misc. Bail Application No.11620 of 2023.

7. The learned A.G.A. has opposed the prayer of the bail, but he could not dispute the aforesaid aspects of the matter.

8. The learned counsel for the informant has also opposed the bail application and he has submitted that the applicant is a habitual offender and he is involved in another case bearing Case CrimeNo. 347 of 2022 under Sections 147, 323, 452, 504, 506 I.P.C., P.S Mawai, District Ayodhya.

9. As per the instructions received by the learned A.G.A, the applicant has no criminal history. When the instructions given to the learned A.G.A do not make a mention of the criminal history of the applicant pointed out by the learned counsel for the informant, it is quite possible that the applicant also might not be aware of the aforesaid case which is being pointed by the learned counsel for the informant.

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that three persons from the applicant's side have received numerous injuries in the incident; that the allegation of firing gun shot has been levelled against another co-accused person and there is no specific role assigned to the applicant and that one of the co-accused persons has already been granted bail, coupled with the fact that the applicant is a 22 years old person and he is languishing in jail since 21.06.2023, I am of the view that the applicant is also entitled to be released on bail in the instant case.

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

12. Let the applicant- **Tanveer Shukla @ Sonu** be released on bail in Case Crime No. 79 of 2023, under Sections 147/ 323/ 307/34 IPC, Police Station

Baba Bazar, District Faizabad/Ayodhya 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 :- 10.10.2023
Preeti.