

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12156 of 2023

Applicant :- Siya Ram

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

Counsel for Applicant :- Vijay Kumar

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.40 of 2023, under Sections 34, 307, 342, 504 and 506 I.P.C. Police Station Bilgram, District- Hardoi.
3. It is argued by learned counsel for applicant that the applicant and his son have been implicated in the present case on the basis of false allegation. It is not made clear in the F.I.R., as to who had the knife in his hand and who inflicted injuries to the injured. It is next submitted that there is no criminal antecedent of the applicant. He is languishing in jail since 20.01.2023. Hence, the prayer for bail is made.
4. Learned A.G.A. opposed the prayer of applicant and submitted that the injured suffered injuries at the hand of the applicant and co-accused person with a knife. He further submitted that the injured has sustained injuries measuring 11cm*0.5cm*1cm on his neck and multiple injuries on his forearm.
5. Perusal of record shows that there is allegation that the applicant has suspicion that injured was in relationship with his daughter and with this motive only, the injured is said to have been inflicted injuries of knife by the applicant and his son. As per the medical report, one incised wound measuring

11cm*0.5cm*1cm on the neck and multiple incised wounds on the flexor surface of left forearm of the injured were found. As per the statement of doctor, the injured stayed in the hospital for four days, where fluid anti-biotics were given and dressing of wound was done, thereafter, ENT opinion was taken and follow-up was advised. Initially, the injured was taken to CHC and then he was referred to District Hospital but he was admitted directly to the KGMU, Lucknow where he was treated for four days. Neither in the statement of doctor nor in the injury report, nature of injury has been mentioned and knife is said to have recovered at the pointing out of both the accused persons. No public witness of the recovery is mentioned in the recovery memo. Applicant is languishing in jail since 20.01.2023.

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 **Siya Ram**, 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