

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12219 of 2023

Applicant :- Vinod Yadav

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

Counsel for Applicant :- Sheo Prakash Singh, Bal Keshwar Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Bal Keshwar Srivastava, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A. for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 146 of 2023, under Sections 147/148/149/323/504/506/307 I.P.C., registered at Police Station Raniganj, District Pratapgarh.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 30.05.2023 against five persons, including the applicant alleging that because of an old animosity all the accused persons armed with sticks and iron rods attacked the informant's house and assaulted on the head of the informant's son due to which he fell unconscious and started bleeding from his nose, ear and mouth. The police claimed to have recovered a stick on the pointing out of the applicant and co-accused persons Vinod Yadav and Ankush Yadav from an open field but the recovery has not been witnessed by any independent witness.

4. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, he has been falsely implicated in the present case and he has no criminal history.

5. The medico legal examination report mentions a traumatic swelling on left side scalp and a contused swelling on right side of face and CT scan report mentions fracture in left temporal and left parietal bone

besides soft tissues swelling.

6. In the statement of injured witness, Subhash Yadav, he stated the incident occurred because of a dispute amongst the boys, who were playing cricket regarding a no ball. He stated that the applicant and Nandlal Yadav had hit on his head. Similar statement was given by the accused-Yuvraj Yadav.

7. In the statement of an eye witness Yuvraj Yadav and an injured person Subhash Yadav, they stated that some boys were playing cricket and due to the dispute regarding a no ball the incident took place.

8. Co-accused Nandlal Yadav has been granted bail by this court by means of the order dated 06.10.2023 passed in CRIMINAL MISC. BAIL APPLICATION No.11935 of 2023.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that in the statements of the injured person and eye witness they stated that the incident took place regarding a no ball when some boys were playing cricket; that the incident took place at about 11.00 a.m. on 29.05.2023 whereas the F.I.R. of the incident has been lodged at about 14.30 p.m. on 30.05.2023; that five persons have been arrayed as accused but no specific role has been assigned to the applicant; that the applicant is languishing in jail since 31.05.2023 and without making any observation, 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 in the aforesaid crime.

11. Accordingly, this bail application stands allowed.

12. Let the applicant-Nandlal Yadav be released on bail in Case Crime No. 146 of 2023, under Sections 147/148/149/323/504/506/307 I.P.C., registered at Police Station Raniganj, District Pratapgarh 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 :- 13.10.2023
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