

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12250 of 2023

Applicant :- Neeshu @ Nishant Shukla @ Ram Narayan Shukla

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

Counsel for Applicant :- Farooq Ayoob, Km. Pooja Tiwari

Counsel for Opposite Party :- G.A.

**Hon'ble Subhash Vidyarthi, J.**

1. Heard Sri Farooq Ayoob, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in an FIR bearing Case Crime No. 910 of 2023, under Sections 34, 323, 504, 506, 307, 341, 452, 120-B IPC and 7 C.L. Act, Police Station Kotwali Nagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 12.08.2023 against five persons, including the applicant, alleging that because of some old dispute, all the accused persons had attacked the informant and assaulted him with hockey sticks and iron rods. It is stated that co-accused Saurabh was carrying an iron rod and rest of the accused persons were carrying hockey sticks and sticks.

4. It has been stated in the affidavit filed in support of the application that the applicant is innocent and he has been falsely implicated in the present case. The applicants involvement in Case Crime No. 41 of 2023, under Sections 323, 504, 506, 427, 34 IPC, Police Station Kotwali, District Barabanki has been disclosed in para 24 of the affidavit, regarding which a notice under Section 41A of the Cr.P.C. has been served upon the applicant.

5. The medico legal examination report of the victim has been annexed with a supplementary affidavit, which indicates that he has suffered six injuries in the incident, all of which have been opined to be simple in nature.

6. One of the co-accused persons Rishabh Yadav alias Raj has been granted bail by means of an order dated 03.10.2023 passed by the Juvenile Justice Board, Barabanki.

7. Sri Anurag Verma, the learned AGA-I has opposed the bail application and he has submitted that the Investigating Officer has recorded statement of the doctor, who stated that although the injuries were simple in nature, these were dangerous.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the FIR levels general allegations against five accused persons; even as per the statement of the doctor recorded by the Investigating Officer, all the injuries are simple in nature and that the applicant is a 20 years' old man having no criminal history and he is languishing in jail since 13.08.2023 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.

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

10. Let the applicant-***Neeshu @ Nishant Shukla @ Ram Narayan Shukla*** be released on bail in Case Crime No. 910 of 2023, under Sections 34, 323, 504, 506, 307, 341, 452, 120-B IPC and 7 C.L. Act, Police Station Kotwali Nagar, District Barabanki 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.

**Order Date :- 16.10.2023**

Pradeep/-