

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12267 of 2023

Applicant :- Pawan Kumar

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

Counsel for Applicant :- Ram Asarey Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ram Asrey Verma, 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. 265 of 2023, under Sections 307, 323, 504, 506 IPC, Police Station Maholi, District Sitapur.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged at 11:56 hours on 05.05.2023 alleging that while the applicant had caught hold of the informant, the co-accused stabbed in his abdomen.
4. The medico legal examination report of the informant mentions a stabbed wound, 3 cm x 1 cm muscle deep over right side of abdomen but no abnormality has been reported in his CT Scan report or Ultrasonography report. The informant and some independent victims have support the FIR allegations.
5. In the affidavit filed in support of the application it has been stated that the co-accused Kuldeep Pasi has also suffered a stabbed wound over right side of his abdomen, 2 cm above umbilical region in the same incident and an FIR bearing Case Crime No. 420 of 2023 was lodged on 10.07.2023, in furtherance of an application under Section 156(3) Cr.P.C. filed on 15.05.2023.
6. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter.
7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the co-accused had also suffered a stabbed wound regarding which there is no mention either in the FIR or in the statement of witnesses

recorded by the Investigating Officer; although the co-applicant was medically examined on the same day, his FIR was not registered and ultimately it was registered in furtherance of an order passed on an application under Section 156(3) Cr.P.C., coupled with the fact that the applicant is 22 year's old person having no criminal history and he is languishing in jail since 16.08.2023, I am of the view that the applicant is entitled to be released on bail in the present case.

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

9. Let the applicant-***Pawan Kumar*** be released on bail in Case Crime No. 265 of 2023, under Sections 307, 323, 504, 506 IPC, Police Station Maholi, District Sitapur 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

Order Date :- 16.10.2023

Pradeep/-