

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12464 of 2023

Applicant :- Niraj

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

Counsel for Applicant :- Lalji Prasad Shukla

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Lalji Prasad Shukla, the learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State as well as Sri Prabhat Kumar, the learned counsel for the informant and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 282 of 2022, under Section 34, 147, 148, 149, 308, 325, 506 I.P.C., registered at Police Station Sakran, District Sitapur.
3. The aforesaid case has been registered on the basis of F.I.R. lodged on 21.05.2022 against nine named persons, including the applicant and four unnamed persons, stating that the accused persons had assaulted the informant's uncle at about 10:00 hours on 21.05.2022.
4. The F.I.R alleges that the co-accused Ram Kishor had attempted to fire a shot with a pistol but the shot could not be fired. Co-accused Munnu had assaulted on the victim's head with a knife and the other person had assaulted him with the butts of the illegal firearm.
5. The medico legal examination of the victim mentions numerous injuries suffering by him but there is no injury of the firearm and no incised wound has been suffered by him. The victim has suffered two fractures in his leg.
6. The learned counsel for the applicant has submitted that co-accused persons, namely, Khushiram, Chandrika and Deshraj, have already been granted bail and copies of their bail orders have been annexed as Annexure No. 9 to the affidavit.
7. The learned counsel for the informant has vehemently opposed the bail

application and he has submitted that the mere fact that the informant did not suffer firearm injury would not make any difference because this court had merely to see the intention of the culprit and that was of killing the victim.

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident is said to have been caused by 13 persons; that the F.I.R alleges that co-accused Ram Kishore had attempted to fire a shot with a pistol but he had failed in his attempt and another co-accused Munnu had assaulted on the victim's head with a knife but the medico legal examination does not mention any injury commensurate with the aforesaid allegation and that three other co-accused persons have already been granted bail in the present case and without making any observations which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

10. Let the applicant- **Niraj** be released on bail in the aforesaid case, on furnishing a personal bond and two sureties each in the like amount to the satisfaction of Magistrate/Court concerned, subject to the 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 :- 19.10.2023
Preeti.