

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12956 of 2023

Applicant :- Buddh Deo @ Shiv Baran

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

Counsel for Applicant :- Girish Kumar Pandey, Sher Bahadur Yadav

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Girish Kumar Pandey,, the learned counsel for the applicant, Sri Anant Pratap Singh, learned A.G.A. for the State and perused the record.
2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 46 of 2023, under Sections 307, 323, 336, 504, 506 I.P.C. and Section 3/25/27 of Arms Act, registered at Police Station Bihar, District Unnao.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 08.03.2023 against three persons, not including the applicant, alleging that accused persons had indulged in brick batting with the informant's son and co-accused Mangal fired a shot with a country made pistol due to which the informant's son suffered an injury on his left thigh.
4. The medico legal examination report mentions a solitary lacerated wound on his left thigh. The applicant's name was added in the informant's statement recorded under Section 161 Cr.P.C
5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent and he has been falsely implicated in the present case. The applicant's involvement in another case bearing Case Crime No. 44/2023 under Section 302/504/506 I.P.C., registered at Police Station Bihar, District Unnao, has been disclosed in para 10 of the affidavit, which F.I.R was lodged on 10.03.2023 subsequent to lodging of the present F.I.R
6. The learned counsel for the applicant has submitted that co-accused Ravi Shankar, has already been granted bail by means of an order dated 22.08.2023 passed by this Court in Criminal Misc. Bail Application No.10480 of 2023

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

8. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant is not named in the F.I.R and the informant has implicated him in a subsequent statement; that a co-accused person, who is named in the F.I.R has been granted bail, coupled with the fact that applicant is languishing in jail since 12.3.2023 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- **Buddh Deo @ Shiv Baran** 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 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 :- 2.11.2023

Preeti.