

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 12965 of 2023

Applicant :- Sudhir

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

Counsel for Applicant :- Akhilendra Pratap Singh,Arpit Shukla,Nikhil Sonkar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Akhilendra Pratap Singh, learned counsel for the applicant, Sri Gyanendra Singh, the 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. 148 of 2023, under Sections 323, 504, 506, 316 I.P.C., registered at Police Station Sadarpur, District Sitapur.
- 3.The aforesaid case has been registered on the basis of an F.I.R. lodged on 25.04.2023 against four persons, including the applicant, stating that because of a dispute regarding partition of family property, accused persons attacked the informant and two other persons.
4. An FIR no.149 of 2023 of the same incident was lodged on the same day from the side of the applicant also on the same date, against four persons, stating that they had beaten up the informant and his family members.
5. The co-accused- Arvind had suffered a head injury and a fracture in right side of ring finger in the incident.
6. In the affidavit filed in support of bail application, it has been stated that the applicant has been falsely implicated in the present case and he has no criminal history.
7. Co-accused persons, namely, Nirmala and Arvind, have been granted bail by means of the order dated 21.09.2023 and 27.09.2023 passed by this Court in Criminal Misc. Bail Applications no.11377 of 2023 and 11691 of 2023, respectively.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that two of the co-accused persons have already been granted bail and without making any observation, which may affect the merits of the case, I am of the view that the applicant is also entitled to be released on bail.

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

11. Let the applicant- **Sudhir** 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.