

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13248 of 2023

Applicant :- Prince Singh

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

Counsel for Applicant :- Bhupinder Pal Singh, Mukesh Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Mukesh Kumar Tewari, learned counsel for the applicant, Sri Akhilesh Kumar Vyas, the learned A.G.A. for the State and Sri Vikshit Srivastava, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicants on bail in Case Crime No.97 of 2023, under Sections 147, 148, 323, 307, 504, 506, 324, 34 I.P.C., registered at Police Station Kotwali Dehat, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 02.03.2023 against ten persons, including the applicant alleging that because of an old animosity the accused persons had attacked the informant's house and had assaulted the informant's father, uncles and aunt with iron rods, sticks, farsa and pistol.

4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent, he has been falsely implicated in the present case. Applicant's involvement in 9 other cases has been disclosed in para 4 of the supplementary affidavit filed on behalf of the applicant; in 6 cases, he has been granted bail, in one case he stands acquitted, one case has been closed under Section 110G of the U.P. Control of Goondas Act, due to expiry of the stipulated period and in one case the applicant is granted benefit of Section 41A Cr.P.C.

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

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the F.I.R. has been lodged against ten persons and 10-15 unknown persons and no specific role has been assigned to the applicant; that the applicant is languishing in jail since 08.04.2023, whereas four co-accused persons, Sani Singh @ Rajneesh, Himanshu, Ram Laut Singh and Ayushman Singh have already been granted bail by this court 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.

7. Accordingly, this bail application stands allowed.

8. Let the **applicant-Prince Singh** 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 :- 6.12.2023
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