

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13411 of 2023

Applicant :- Saurabh Singh @ Saunam Singh And Another

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

Counsel for Applicant :- Girish Kumar Pandey, Neeraj Kumar Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Girish Kumar Pandey, learned counsel for the applicants, Sri Anant Pratap Singh, learned AGA for the State and perused the record.

2. The present bail application has been filed by the applicants with the prayer to enlarge him on bail in Case Crime No. 0322 of 2022, under Sections 147, 148, 149, 326, 504, 506, 34 IPC, Police Station Machhrehtha, District Sitapur.

3. The aforesaid case has been registered on the basis of an FIR lodged on 24.10.2022 at 20:30 hrs against seven persons, including the applicants, alleging that all the accused persons had attacked the informant and his family members at about 07:30 p.m. on 24.10.2022. The FIR states that co-accused Siddheswar Singh had hit the informant with spade and all the other accused persons had also beaten him up.

4. In the affidavit filed in support of the bail application it has been stated that the applicants are innocent, they have falsely been implicated in the present case and that they have no criminal history.

5. Co-accused Siddheswar Singh has filed an application under Section 156(3) Cr.P.C. regarding the same incident, which has been allowed by means of an order dated 23.12.2022 and a complaint case has been registered.

6. Co accused Siddheswar Singh has also suffered injuries in the incident and a copy of his injury report has been annexed with the affidavit filed in support of the bail application.

7. The co-accused-Siddheswar Singh against whom there is specific allegation of hitting with spade has already been

granted bail by means of an order dated 16.01.2023 passed by this Court in Crl. Misc. Bail Application No. 761 of 2023. Another co-accused Makar Singh has also been granted bail by means of an order dated 16.02.2023 passed by this Court in Crl. Misc. Bail Application No. 2429 of 2023.

8. Learned AGA has vehemently opposed the bail application and he has submitted that Siddheswar Singh has been granted bail considering his age. He has further submitted that the applicants should not be granted bail as co-accused Siddheswar Singh is a history-sheeter as he has a long criminal history.

9. Siddheswar Singh has been granted bail in spite of their being a specific allegation of assault against him and in spite of his having a long criminal history. There is no specific allegation against the applicants and only general allegations have been levelled against all the accused persons except Siddheswar Singh. The case set up against the applicants is at par with that set up against co-accused Makar Singh, who has also been granted bail in spite of his involvement in other criminal cases. The applicant has no criminal history and he is languishing in jail since 18.10.2023, without making any further observation which may affect the merit of the case, I find it a fit case for enlargement of the applicant on bail.

10. Accordingly, this bail application is allowed.

11. Let the applicants, namely, **(i) Saurabh Singh @ Saunam Singh & (ii) Divyansh Singh** be released on bail in Case Crime No. 0322 of 2022, under Sections 147, 148, 149, 326, 504, 506, 34 IPC, Police Station Machhrehta, District Sitapur on furnishing a bail 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 temper 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 :- 9.11.2023

Pradeep/-