

**Court No. - 16**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 13371 of 2023

**Applicant :-** Himanshu And Another

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

**Counsel for Applicant :-** Farooq Ayoob

**Counsel for Opposite Party :-** G.A.

**Hon'ble Subhash Vidyarthi,J.**

1. Heard Sri Farooq Ayoob, the learned counsel for the applicant, Ms. Ankita Tripathi, learned A.G.A.-I for the State as well as Sri Anil Kumar Nishad, learned counsel for the informant and perused the records.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 459 of 2023, under Sections 307, 323, 504, 506 I.P.C., registered at Police Station Ramnagar, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.08.2023 against three persons, including the applicant, alleging that the informant is a widow and she developed relations with the Ram Kishore- father of co-accused Sachin Yadav. Sachin Yadav got annoyed with this and he assaulted the informant with a knife.

4. The allegations against the applicant is that they were accompanying Sachin Yadav and they had abused the informant.

5. The medico legal examination report of the informant mentions an incised wound of size 5.02 cm. skin deep on the neck, some abrasions on chest and right foreleg, all of which

are opined to be simple in nature. In the supplementary medico legal examination report prepared after X-ray examination of the informant no further abnormality was reported.

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

7. The learned counsel for the applicant has submitted that co-accused Sachin Yadav, has already been granted bail by means of an order dated 12.10.2023 passed by this Court in Criminal Misc. Bail Application No.12178 of 2023.

8. The learned counsel for the applicant has submitted that the applicant has also suffered injuries in the incident. He was taken for medico legal examination by the police constable and in medico legal examination report annexed as Annexure No.5 to the affidavit mentions a stitched wound, the location whereof is not mentioned in the report.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the allegation of assault has been levelled against co-accused Sachin Yadav, who has already been granted bail and the allegations against the applicants is only of abusing the informant, coupled with the fact that the applicants have no criminal history and they are languishing in jail since 06.09.2023 and without making any observation, which may affect the merits of the case, I am of the view that the applicants are also entitled to be released on bail in the present case.

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

12. Let the applicants- **Himanshu and Ramkaran @ Chunni**

**@ Kuldeep,** 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 :- 9.11.2023**

Preeti.