

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13516 of 2023

Applicant :- Manoj Kumar Singh

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

Counsel for Applicant :- Bhoopal Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Bhoopal Singh, learned counsel for the applicant, Sri Manish Kumar Pandey, 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.82 of 2023, under Sections 341, 323, 504, 506, 427, 326/34 I.P.C., registered at Police Station Hargaoon, District Sitapur.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 14.02.2023 against four persons, including the applicant, stating that because of a political animosity, the accused persons had waylaid the informant at about 8 pm on 10.02.2023 and had assaulted him with an incised weapon (*Baghauli*). When the informant's cousins tried to save him, they were also assaulted.

The FIR further alleges that accused persons damaged informant's car and had fired a shot with an illegal firearm.

4. Medico legal examination report of three injured persons mentions three lacerated wounds suffered by one Kaushalendra Singh; a lacerated wound suffered by Ganga Baksh Singh and a lacerated wound and an abrasion suffered by Sarda Baksh Singh. All the injuries were opined to be simple in nature.

5. 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 and he has no criminal history.

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

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the incident took place on 10.02.2023, injured were examined medically on the same day yet the FIR has been lodged on 14.02.2023; that none of the persons is reported to suffer any incised wound whereas the FIR alleges assault by sharp edge weapon; that all the injuries have been opined to be simple in nature; that the applicant has no previous criminal history and he is languishing in jail since 26.07.2023 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.

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

9. Let the **applicant-Manoj Kumar Singh** be released on bail in aforementioned 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 :- 17.11.2023
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