

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 13983 of 2023

Applicant :- Ayush Kumar Singh

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

Counsel for Applicant :- Sudhakar Prakash

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Sudhakar Prakash, learned counsel for the applicant, Ms. Charu Singh, 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. 522 of 2023, under Section 307 I.P.C., registered at Police Station PGI, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 20.08.2023 alleging that some unknown person had booked the auto rickshaw of the informant's husband in the night of 17.08.2023 and on the way he assaulted on the neck of the informant's husband with some sharp edged weapon with intention to kill him.
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 and he has no criminal history. A supplementary affidavit has been filed on behalf of the applicant annexing therewith the relevant extracts of case diary wherein it has been recorded that a mukhbir had told that the person seen in a photo and video was standing at a place told by him and on his information the applicant has been arrested.
5. The learned A.G.A. has opposed the prayer for bail but on the

basis of instructions obtained by her she stated that no such photo or video is available on the case diary in which the applicant would have been seen committing the offence.

6. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that the applicant has been implicated solely on the basis of information given by a mukhbir and no incriminating material has been recovered from the applicant; that although it is alleged that the mukhbir had identified the applicant on the basis of some photo or video, no such photo or video is available on the case diary; that the applicant has no previous criminal history and he is languishing in jail since 21.08.2023 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.

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

8. Let the **applicant-Ayush Kumar 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 :- 28.11.2023

Ram.