

Court No. - 29

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14015 of 2023

Applicant :- Ravi Singh

Opposite Party :- State Of U.P. Thru. Prin. Secy. (Home), Govt. U.P. Lucknow

Counsel for Applicant :- Ramakar Shukla, Pankaj Kumar Singh

Counsel for Opposite Party :- G.A., Ajit Kumar Singh, Vinod Kumar Singh

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned Counsel for the applicant, learned counsel for the first informant, learned A.G.A. and perused the record.

The accused- applicant is involved in Case Crime No. 360 of 2023, under Sections 147, 148, 149, 323, 324, 325, 506, 307 I.P.C., Police Station Raunahi, District- Faizabad/ Ayodhya.

Learned counsel for the applicant argued that the role assigned to the applicant in the FIR is of opening fire which was missed. Though injured Rajmani improved his statement u/s 161 Cr.P.C. and assigned him the role of assault on Shrawan but injured Shrawan has not assigned any role to the applicant. Out of criminal history of two cases, in one case final report has been submitted and in one case the applicant is on bail. The applicant is languishing in jail since 31.7.2023, hence the prayer is made accordingly.

Learned counsel for the first informant opposed the prayer for the bail of the applicant and submitted that the actual motive of the applicant was the property regarding which the order of maintaining status quo has been passed by this court. Four persons are said to be injured in the incident. Shrawan Kumar sustained the head injury. He was advised for 4 weeks bed rest. Even today he is not in position to speak properly and is still under treatment.

From the perusal of the FIR, it is found that there is allegation that the present applicant along with other co accused persons came having a pistol in his hands and exhorted other co accused persons. He also made fire at the wife of the first informant which was missed. On the exhortation of the present applicant, Monu Singh, Jaiki Singh and Gaurav with intention of causing death attacked on the first informant and other persons. Hearing the hue and cry Shrawan and Golu came for rescue. Again the present applicant exhorted that first Shrawan be put to death. At this call the accused persons are said to have attacked with farsa, iron rod, lathi-danda and seeing the villagers coming there all the accused persons are said to have fled away from the spot leaving Shrawan Kumar in almost dead condition.

Admittedly, four persons are said to have injured in the incident. The injury report of Rajmani is appended at page 40 of the paper book wherein four injuries are found to be shown on the person of injured. X-ray and NCCT of his 3 injuries was advised but later on x-ray was found NAD.

Regarding Kusim Singh, her injury report is appended at page 43 of the paper book wherein 10 injuries are found on her person. X-ray and NCCT were advised by the doctor and the supplementary report is appended at page 46 of the paper book. Injury nos. 4 and 5 are found the fracture of 3rd and 4th metacarpal bone of left hand and right hand of the injured. The said injuries are found grievous. So far as the injury of Ajeet Singh/ the first informant is concerned, in the injury report appended at page 38 of the paper book, 4 injuries are found on his person and two x-rays were advised. In his supplementary report appended at page 54 of the paper book, as per x-ray report fracture of distal fibula was found hence, injury no. 4 was considered to be gravious. As per injury report of Shrawan appended at page 47 of the paper book 4 injuries are found on the person of the injured. The doctor has advised NCCT and x-ray. In discharge report appended at page 49 of the paper book, head injury, left temporo parietal bone fracture with underlying thin temporo parietal EDH with droplet pneumocephalus are mentioned. He is said to remain admitted in the hospital from 30.7.2023 to 3.8.2023. He is said to be advised four weeks bed rest. According to the learned counsel for the first informant, Shrawan Giri is not in position to speak properly and is under treatment till date.

The attention of the court is drawn towards the statement of Rajamani appended at page 55 of the paper book. He has stated therein that the present applicant exhorted and assaulted various blows on the head of Shrawan with lathi with the intention to cause his death and all the other co accused persons also assaulted Shrawan with lathi-danda with the same intention. The applicant was exhorting to kill Shrawan first so that no one could come forward to save the family members of Ajeet Singh. It is submitted that Rajmani has made improvement in his statement that it was the present applicant who assaulted various blows on Shrawan with intention to kill him while in the statement of Shrawan he has only assigned the role of exhortation to the present applicant and on this exhortation only Gaurav is said to have assaulted on the head of Shrawan.

The court is of the opinion that all the persons are said to have come together to commit the incident. Ravi Singh is assigned a pistol in his hands and making fire from the pistol, the fire is said to have missed but in the FIR itself it is mentioned that when Shrawan and Golu came to save the victims, applicant Ravi Singh exhorted saying that firstly Shrawan must be killed so that no one could come to save the rest victims and all the accused persons (including Ravi) assaulted Shrawan with lathi, danda and farsa. Some photographs showing the head injuries of Shrawan and injury of Kusum Singh and Ajeet Singh have been placed before the court.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I do not find it to be a fit case of bail.

The application having no merit is liable to be rejected.

It is hereby rejected.

Order Date :- 11.12.2023/Gss