

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14280 of 2023

Applicant :- Ram Bahal

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

Counsel for Applicant :- Dharmendra Kumar Pandey, Arun Kumar Tewari

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Dharmendra Kumar Pandey, learned counsel for the applicant, Sri Vinay Kumar Sahi, learned A.G.A. for the State and Sri V.K. Pandey, 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.469 of 2023, under Sections 147, 148, 149, 323, 307 I.P.C., registered at Police Station Katra Bazar, District Gonda.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 18.09.2023 against 6 persons, including the applicant, stating that the accused persons had waylaid the informant's brother at about 8 PM on 18.09.2023 and had shot at him.

4. In the statement of the injured person recorded under Section 161 Cr.P.C., he leveled allegation of firing gun shot against co-accused Satya Prakash and regarding the other co-accused persons, he merely stated that they were standing nearby.

5. In the affidavit filed in support of the applicant it has been stated that the the applicant has no criminal history.

6. The learned A.G.A. has opposed the prayer for bail and has submitted that the applicant was also involved in commission of offence and, therefore, he is not entitled to be granted bail.

7. Having considered the aforesaid facts and circumstances of the

case and keeping in view the fact that injured person has received only one gun shot injury and he has alleged that the gun shot had been fired by another co-accused person and regarding the applicant only this much has been stated that he was present on the spot: that the applicant has no previous criminal history and he is languishing in jail since 17.10.2023 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**-Ram Bahal 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 :- 5.12.2023
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