

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14232 of 2023

Applicant :- Munna Lal

Opposite Party :- State Of U.P. Thru. Its Secy. Home, Lucknow

Counsel for Applicant :- Suresh Chandra Srivastava, Savita Tiwari, Vaibhav Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Suresh Chandra Srivastava, learned counsel for the applicant, Sri Ravish Chandra Mishra, 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.198 of 2020, under Section 304 I.P.C., registered at Police Station Bhira, District Lakhimpur Kheri.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 09.03.2020 alleging that the applicant had assaulted the informant's husband on 03.05.2020 due to which he fell unconscious. The victim was taken to Lakhimpur from where he was referred to Lucknow. The informant brought him back home for making an arrangement of money, where he died in the night of 06.05.2020.

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. Statements of 3 witnesses recorded by the rial court have been annexed with the affidavit, all of whom have been declared to be hostile.

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

6. Having considered the aforesaid facts and circumstances of the case 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-Munna Lal** 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 :- 4.12.2023
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