

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14233 of 2023

Applicant :- Uma

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

Counsel for Applicant :- Bharat Kumar Dixit

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Bharat Kumar Dixit, learned counsel for the applicant, Sri Arun Kumar Verma, 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. 50 of 2023, under Section 302 I.P.C., registered at Police Station Bhadhokhar, District Raebareli.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 13.0.2023 against two named accused persons, not including the applicant and two unnamed persons, stating that when the informant's son aged about 12 years was sleeping in the house in the night of 12/13.02.2023 with his elder sister Uma (the applicant) the accused persons killed him because of prior dispute.

4. In the statement of the informant recorded under Section 161 Cr.P.C. she allegedly stated that subsequently her younger daughter told that the applicant used to talk to one Rolu Singh and the deceased had seen this himself on 11.02.2023 and had threatened that he would disclose this fact to the informant and for this reason the victim was killed in the night of 12.02.2023.

5. In the affidavit filed in support of bail application it has been stated that the applicant is innocent, she has been falsely

implicated in the present case and she has no criminal history. The informant and her sister have been examined by the learned trial court. The informant has not supported the prosecution case and other witness has been declared to be hostile.

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 informant and other witness have not supported the F.I.R. allegations; that as per the charge sheet the applicant is a 19 years old girl and there appears to be no possibility of her being in a position to influence the witnesses; that the applicant has no previous criminal history and she is languishing in jail since 14.02.2023 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-Uma** 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.

Order Date :- 4.12.2023

Ram.