

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14638 of 2023

Applicant :- Dileep Kumar Pandey

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

Counsel for Applicant :- Rajesh Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Rajesh Kumar, learned counsel for the applicant, Sri J.S. Tomar, the learned A.G.A.-I for the State and Sri Dharmendra Kumar, Advocate who has put in appearance on behalf of the informant and filed his vakalatnama, which is taken on record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No.252 of 2023, under Sections 307, 323, 324, 325, 504, 506 I.P.C., registered at Police Station Satrik, District Barabanki.

3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 29.06.2023 alleging that because of a property dispute the applicant assaulted his brother and nephew with a banka.

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. It has further been stated in the affidavit filed in support of the application that the applicant himself has also suffered injuries in the incident which is supported by a copy of statement of the doctor annexed as Annexure No.2 to the affidavit, who has stated that the applicant has suffered four injuries and he was referred for X-ray examination.

5. The informant's father has also suffered four injuries caused by hard and blunt object and although in the F.I.R. it has been

alleged that the applicant had bitten the informant's father by his tooth, this allegation is not supported by the findings of the medico legal examination report.

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's father and the applicant both have suffered four injuries each in the incident and the F.I.R. does not make any disclosure of the circumstances in which the applicant has suffered injuries; that the applicant has no previous criminal history and he is languishing in jail since 30.06.2023 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-Dileep Kumar Pandey** 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 :- 13.12.2023
Ram.