

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14880 of 2023

Applicant :- Nikhil Gupta

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

Counsel for Applicant :- Sapana Verma

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Ajeet Kumar, learned counsel for the applicant, Sri Jayant Singh Tomar, learned A.G.A.-I 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. 0507 of 2023, under Sections 147, 324, 323, 307, 504, 506 I.P.C., registered at Police Station Kotwali Ayodhya, District Faizabad/Ayodhya.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 05.09.2023 against four named accused persons, including the applicant, and an unknown person alleging that all the accused persons had beaten up and assaulted the informant with sharp edged weapon and sticks. When some persons tried to save the informant they were also beaten up.
4. In the statement of the informant recorded under Section 161 CrPC, he had stated that one Rammurti alias Ram Murat Gupta, who was not named in the FIR, had assaulted on the head of Vipul Tiwari. The said Vipul Tiwari had not supported this allegation and his injuries were found simple in nature.
5. The co-accused Rammurti alias Ram Murat Gupta has already been granted bail by means of an order dated 31.10.2023 passed by this Court in Criminal Misc. Bail Application No. 12776 of 2023.
6. Two other co-accused persons namely, Achal Gupta and Aman Gupta have also been granted bail by means of an order dated 12.12.2023 passed by a Coordinate Bench of this Court in Criminal Misc. Bail Application No. 14619 of 2023.
7. 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.

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

9. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that three co-accused persons have already been granted bail; the applicant has no previous criminal history and he is languishing in jail since 15.11.2023 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.

10. Accordingly, this bail application stands ***allowed***.

11. Let the applicant- **Nikhil Gupta** 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 :- 16.12.2023

Shravan