

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 14991 of 2023

Applicant :- Gaya Prasad @ Nankey Shukla And Another
Opposite Party :- State Of U.P. Thru. Prin. Secy. Home Deptt. Lko.

Counsel for Applicant :- Kailash Nath Mishra

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Shri Kailash Nath Mishra, learned counsel for the applicants, Shri Rakesh Kumar Singh, the learned A.G.A. appearing 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. 256 of 2022, under Sections 147, 308, 323, 504, 506 I.P.C., registered at Police Station Umari Begumganj, District Gonda.

3. It has been contended by the learned counsel for the applicants that applicants along with three other co-accused persons have been assigned the general role of abusing and assaulting the complainant with blunt edged weapon, lathi, on account of which injured sustained injury on his head, which as per C.T. Scan report was found to be hemorrhage. He further submits that author of the said injury was not known, as in the statement recorded under Section 161 Cr.P.C. the injured has assigned general role of assaulting to all the accused persons including the applicants. So far as criminal history of the applicants is concerned, there is one case against applicant no.1 and he has been granted bail in that case and there is no cases pending against the applicant no.2. The applicants are in jail since 06.12.2023. It has also been submitted on behalf of the applicants that the co-accused Shrawan Kumar and Manoj Kumar Shukla have already been granted bail by this court by means of an order dated 16.01.2023, passed in Criminal Misc. Bail Application No.58 of 2023.

4. Learned A.G.A. has opposed the prayer for bail but could not dispute the aforesaid facts.

5. After considering the submissions advanced by the parties and the fact that general role of assaulting the injured was assigned to all the accused persons including the applicants in

the FIR as well as in the statement recorded of the injured under Section 161 Cr.P.C., wherein only general allegation has been levelled against the applicants and co-accused persons, but the author of the fatal injury caused by a blunt object has not been specified, and so far as criminal history of the applicants is concerned, the same has been explained by the applicants in paragraph 13 to the bail application. Therefore, the applicants are entitled to be released on bail in this case.

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

7. Let the **applicants-Gaya Prasad @ Nankey Shukla and Ravindra Kumar @ Joje Shukla** 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 applicants shall not tamper with the prosecution evidence;
- (ii) the applicants shall not pressurize the prosecution witnesses;
- (iii) the applicants shall appear on each and every date fixed by the trial court.

.

(Subhash Vidyarthi, J.)

Order Date :- 19.12.2023

Ram.