

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15085 of 2023

Applicant :- Rajkumar

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

Counsel for Applicant :- Rizwanul Haque Ansari, Mohd Javed, Santi

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi, J.

1. Heard Sri Rizwanul Haque Ansari, the learned counsel for the applicant and Sri Virendra Singh, the learned A.G.A. for the State as well as perused the record.

2. The present bail application has been filed by accused-applicant seeking bail in Case Crime No.367 of 2020, under Sections 308/323/504 I.P.C., P.S. Thangaon, District Sitapur.

3. Learned counsel for applicant submits that applicant and his two real brothers have been falsely implicated in this case due to enmity. There is general role of assault against all three accused; no specific allegation has been made against anyone. Initially, the NCR was lodged on 26.03.2020 however, the F.I.R. has been lodged after delay of eight months on 13.11.2020 and Section 308 I.P.C. was added. Applicant has no criminal history. Applicant is languishing in jail since 04.04.2023. Charge-sheet in the case had been filed. He further submitted that co-accused Anup Singh, has already been granted bail in the present case by means of an order dated 01.05.2023 passed by this Court in Criminal Misc. Bail Application No. 5790 of 2023.

4. Learned A.G.A. has opposed the bail prayer.

5. On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 04.04.2023, charge-sheet has been filed and applicant has no criminal history so also the fact that similar allegations have been leveled on all the accused persons and that a co-accused person has already been granted bail, without expressing any opinion on merits of the case I find it to be a fit case for enlarging the applicant on bail.

6. Accordingly, the bail application is **allowed**.

7. Let the applicant- **Rajkumar** 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 :- 20.12.2023
Preeti.