

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15143 of 2023

Applicant :- Neeraj Kumar

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

Counsel for Applicant :- Chandra Bhushan

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Chandra Bhushan, the learned counsel for the applicant, Sri Anurag Verma, the learned AGA-I for the State and perused the records.

2. The is second application seeking release of the applicant on bail in Case Crime No. 116 of 2022, under Sections 323, 326, 504, 506 IPC, Police Station Sidhauhi, District Sitapur.

3. First bail application bearing Criminal Misc. Bail Application No. 1619 of 2023 was rejected as not pressed.

4. The aforesaid case has been registered on the basis of an F.I.R. lodged at 11:10 hours on 04.04.2022 against three persons, including the applicant, alleging that the accused persons assaulted the informant and when his mother tried to save her, she was also beaten up.

5. 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.

6. The medical reports of the injured persons indicate that one of the injured persons had suffered a fracture in tooth and another tooth had gone missing and the other injuries are simple in nature.

7. A non cognizable report of the incident was lodged by the applicant's wife prior to lodging of the FIR at 10;15 a.m. alleging assault by the informant and other persons from his side.

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 the applicant has no criminal history and he is languishing in jail since 20.01.2023 and as per the statement of the learned counsel for the applicant not even a single witness has been examined till date 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 case.

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

11. Let the applicant-***Neeraj Kumar*** 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 :- 21.12.2023

Pradeep/-