

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 15099 of 2023

Applicant :- Ajju Singh @ Sunil Singh

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

Counsel for Applicant :- Manoj Kumar Singh

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Manoj Kumar Singh, the learned counsel for the applicant, Smt. Anupriya Jaiswal, the learned State Counsel and Sri Shailendra Kumar Shukla, the learned counsel for the informant and perused the record.

2. The instant application has been filed seeking release of the applicant on bail in Case Crime No. 429 of 2023, under Section 147, 148, 149, 504, 506, 307, 323, 324 I.P.C., registered at Police Station Payagpur, District Bahraich.

3. The aforesaid case has been registered on the basis of F.I.R. lodged on 13.08.2031 against five named persons, including the applicant, stating that all the accused persons had beaten up the informant's nephew Vinod and when some persons tried to save him, they were also beaten up.

4. Four persons have received the injuries from the side of the informant. Vivek Singh has received a single lacerated wound on his head, Neelam Singh also received a lacerated wound on head, Vishnu Singh suffered an incised wound on shoulder, an abraded contusion on forearm and an incised wound on shoulder and Vinod Singh suffered two incised wounds on abdomen and chest.

5. A supplementary medico legal examination report of the

other injured persons did not mention any abnormality and Vinod Singh had to be admitted to a hospital on 13.08.2023, from where he was discharged on 29.08.2023.

6. The applicant had also received as many as seven injuries in the incident, including a lacerated wound and a contusion on his head. Two other persons Suraj Singh and Gudiya Singh also suffered injuries from the applicant's side. An F.I.R No. 430 of 2023 was lodged from the applicant's side against four persons, including two injured persons, Vishnu Singh and Vinod Singh.

7. In the affidavit filed in support of the 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 counsel for the informant has vehemently opposed the bail application and he has submitted that the injuries suffered by Vinod Singh was serious in nature and he had to remained in hospital from 13.08.2023 to 29.08.2023. He further submitted that in the statement of the injured witness, he has specifically assigned a role of causing injury in his abdomen to the applicant and a Banka has been recovered from the place of the incident.

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

10. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that three persons have received injuries from the applicant's side, including the applicant himself, regarding which there is absolutely no explanation in the F.I.R lodged by the informant, which prima facie indicates that the informant has not come up with the complete facts regarding the incident; that the F.I.R of the incident has been lodged from the applicant's side also and besides the applicant having suffered seven injuries in the

incident, two other persons from the applicant's side have also suffered injury, coupled with the fact that the applicant has no previous criminal history and he is languishing in jail since 15.08.2023 and, without making any observations 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.

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

12. Let the **applicant- Ajju Singh @ Sunil Singh** 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 the 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 :- 22.12.2023

Preeti.