

Court No. - 31

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4010 of 2024

Applicant :- Satyendra Kumar Yadav

Opposite Party :- State Of U.P. Thru. Prin. Secy. .Home Deptt.
Govt. Lko

Counsel for Applicant :- Ankit Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur),J.

Heard learned counsel for the applicant, learned A.G.A. both through video conferencing from Allahabad and perused the record.

This application has been moved on behalf of applicant- Satyendra Kumar Yadav with the prayer to release him on bail in Case Crime No.229 of 2023, under Sections 323, 325, 504, 506, 307, 34 I.P.C., Police Station- BBD, District- Lucknow.

It is submitted by the learned counsel for the applicant that in the first information report, a general role is assigned to all the three accused persons, while in the statement of the injured the applicant is assigned the role of assaulting with an axe. As per the injury report, appended with the paper book, no injury of any sharp edged weapon is found on the person of the injured. Four injuries are found on the person of the injured and all these injuries are shown to be caused by some hard and blunt object. An axe cannot be said to be a hard and blunt object. Co-accused Akshay Khan and Ram Avadh @ Oodal have already been enlarged on bail by this Court earlier. The applicant is languishing in jail since 17.09.2023, hence, the prayer for bail is made.

Learned A.G.A., however, opposed the prayer for bail and submitted that this is the applicant, who is assigned the role of assault by an axe. The role of the present applicant is differentiable from those of co-accused Akshay Khan and Ram Avadh @ Oodal, who were assigned the role of exhortation and catching hold of the injured.

From the perusal of the record, it is found that as per the first information report, a general role is assigned to all the three

accused persons of holding and thrashing the injured by baton, stick and axe. In the statement of injured, the specific role assigned to the applicant is of assault with an axe. In the injury report of the injured, no incised wound or any injury caused by some sharp edged weapon has been found. Co-accused Akshay Khan and Ram Avadh @ Oodal have been enlarged on bail by this Court earlier. The applicant is languishing in jail since 17.09.2023.

Perusing the record, considering the facts and circumstances of the case, the nature of allegations, arguments advanced by the learned counsel for the parties and without expressing any opinion on the merit of the case, I find it to be a fit case for granting bail to the applicant.

The bail application is allowed.

Let the applicant- **Satyendra Kumar Yadav**, who is involved in aforesaid crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned subject to following conditions:-

1. The applicant will attend and co-operate the trial proceedings pending before the court concerned on the dates fixed after release.
2. The applicant will not tamper with the witnesses.
3. The applicant will not indulge in any illegal activities during the bail period.

The identity, status and residential proof of sureties will be verified by the court concerned and in case of breach of any of the above conditions, the trial court shall be at liberty to cancel the bail and send the applicant to prison.

It is clarified that the observations, if any, made in this order are strictly confined to the disposal of this bail application and must not be construed to have any reflection on the ultimate merits of the case.

Order Date :- 26.4.2024

Radhika