

Court No. - 16

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4218 of 2023

Applicant :- Amaan @ Aman

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

Counsel for Applicant :- Vinay Kumar,Narendra Pratap Singh,Praveen Kumar

Counsel for Opposite Party :- G.A.

Hon'ble Subhash Vidyarthi,J.

1. Heard Sri Vinay Kumar, learned counsel for the applicant, Sri Pragyanand Rai, learned A.G.A. for the State and perused the records.
2. The instant application has been filed seeking release of the applicant on bail in FIR No. 01 of 2023, under Sections 147, 149, 307 I.P.C. registered at Police Station Thakurganj, District Lucknow.
3. The aforesaid case has been registered on the basis of an F.I.R. lodged on 01.01.2023 against five persons including the applicant, stating that co-accused Olu s/o Naushad tried to kill the informant by crushing him under his car and other co-accused were also setting in the car. Applicant's criminal history of three cases has been mentioned in para 19 of the affidavit. In all the three cases, the applicant has been enlarged on bail.
4. In the affidavit filed in support of bail application, it has been stated that the applicant is innocent and he has been falsely implicated in the present case.
5. The learned A.G.A. has opposed the prayer for bail but he could not dispute the aforesaid aspects of the matter. The State has filed a counter affidavit annexing therewith medico legal examination report of the informant as per which he has suffered two lacerated wounds on his forehead and parietal area of scalp.

6. A rejoinder affidavit has been filed on behalf of the applicant stating that co-accused persons namely, Mohd Raj Hussain, Afzal and Olu @ Islam have already been enlarged on bail.

7. Having considered the aforesaid facts and circumstances of the case and keeping in view the fact that co-accused persons namely, Mohd Raj Hussain, Afzal and Olu @ Islam have already been enlarged on bail; that the applicant is languishing in jail since 01.01.2023 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 crime.

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

9. Let the **applicant-Amaan @ Aman** be released on bail in FIR No. 01 of 2023, under Sections 147, 149, 307 I.P.C. registered at Police Station Thakurganj, District Lucknow 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.

10. In case of breach of any of the above conditions, the prosecution shall be at liberty to move bail cancellation application before this Court.

(Subhash Vidyarthi, J.)

Order Date :- 31.7.2023
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