

**Court No. - 14**

**Case :-** CRIMINAL MISC. BAIL APPLICATION No. - 3327  
of 2024

**Applicant :-** Jangali @ Om Prakash

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

**Counsel for Applicant :-** Shiv Shankar Verma, Aman Kumar  
Dhanuk, Deshraj Singh, Indra Mani Pandey, Kaushal Kishore  
Tewari, Ravindra Singh, Shakti

**Counsel for Opposite Party :-** G.A.

**Hon'ble Karunesh Singh Pawar, J.**

Heard learned counsel for the applicant and learned A.G.A. for the State as well as perused the record.

The present bail application has been filed by accused-applicant seeking bail in Case Crime No.08 of 2020, under Section 307 I.P.C., P.S. Sadarpur, District Sitapur.

In the prosecution case it is alleged that on 06.01.2020 at about 12:00 am in the night, the accused Jangali and Munna along with other co-accused persons came inside the room of the informant with the help of a *balli* and took the informant from home and dragged till 200 meters with intent to kill him, they fired upon him. The bullet came on the right hand of the informant. After the informant cried and villagers started coming the accused ran away. It is also alleged that the cash and jewellery kept in the almirah have also been stolen.

Learned counsel for applicant submits that injured has changed the version of the F.I.R. While giving statement under Section 161 Cr.P.c. he has not made any allegation of robbery or theft. He submits that till date charges have not been framed. He also submits that perusal of the record shows that injured has received a lacerated wound of 3.5 X 3 cm bone deep on his right arm. It is a single injury.

Learned counsel for the applicant further submits that offence will not travel beyond Section 325 IPC. The ingredients to attract Section 307 IPC is missing. He submits that the applicant is in jail since 26.02.2024.

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

On due consideration to the submissions advanced, perusal of the record as also the fact that the applicant is languishing in jail since 26.02.2024, nature of the injury and the improvement made by the complainant/injured in his statement under Section 161 Cr.P.C. so also the judgment passed by Supreme Court in ***Javed Gulam Nabi Shaikh vs. State of Maharashtra and another : Criminal Appeal No.2787 of 2024***, without expressing any opinion on merits of the case, I find it to be a fit case for enlarging the applicant on bail.

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

Let the applicant ***Jangali @ Om Prakash*** be released on bail in aforesaid case crime number subject to his furnishing a personal bond and two reliable sureties each in the like amount to the satisfaction of the trial court concerned with the following conditions:

- (i) The applicant will not tamper with the evidence during the trial.
- (ii) The applicant will not pressurize/ intimidate the prosecution witness.
- (iii) The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
- (iv) The applicant shall file an undertaking to the effect that he

shall not seek any adjournment on the dates fixed for evidence when the witnesses are present in court. In case of default of this condition, it shall be open for the trial court to treat it as abuse of liberty of bail and pass orders in accordance with law.

(v) The applicant shall remain present before the trial court on each date fixed, either personally or through his counsel. In case of his absence, without sufficient cause, the trial court may proceed against him under Section 229-A of the Indian Penal Code.

(vi) In case, the applicant misuses the liberty of bail during trial and in order to secure his presence proclamation under Section 82 Cr.P.C. is issued and the applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against him, in accordance with law, under Section 174-A of the Indian Penal Code.

**Order Date :- 31.8.2024**

Saurabh Yadav/-