

Har Prasad Vs. State of U.P.

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Court : Allahabad

Decided On : Aug-02-2010

Judge : Bala Krishna Narayana, J.

Acts : Code of Criminal Procedure (CrPC) - Section 161; Indian Penal Code (IPC) - Sections 307,324,504,506.

Appeal No. : CRIMINAL MISC. BAIL APPLICATION No. - 14568 of 2010

Appellant : Har Prasad.

Respondent : State of U.P.

Advocate for Pet/Ap. : R.B. Saxena, Adv.

Judgement :

Heard learned counsel for the applicant and the learned AGA.

1. Learned counsel for the applicant contended that general role of firing has been assigned to all the accused persons.
2. He next contended that the injured in his statement recorded under Section 161 Cr.P.C. has clearly stated that the gun shot fired at him by the applicant, missed the aim. He in his statement has not attributed the fire arm wound received by him to the applicant.

3. He next contended that the co accused Moti, Ram Karan and Tulsi have been enlarged on bail by the Court of Sessions. He lastly contended that that the applicant is in jail since 3.10.2009.

4. The prayer for bail has been opposed by learned AGA on the ground that the applicant has a long criminal history of 28 cases.

5. Learned counsel for the applicant in reply submitted that in all the 28 other cases in which he is involved, either he has been acquitted or enlarged on bail.

6. Keeping in view the nature of the offence, evidence, complicity of the accused, severity of punishment and submissions of the learned counsel for the parties, I am of the view that the applicant has made out a case for bail. Let the applicant Har Prasad involved in Case Crime No. 334 of 2009 under Sections 307,324,504,506 I.P.C., P.S. Barsana, District Mathura 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 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 will appear before the trial court on the date fixed.

(iv)The applicant shall report to the CJM concerned in the first week of each month to show his good conduct and behavior. In case of breach of any of the above conditions, the court below shall be at liberty to cancel the bail.

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