

# Ran Singh vs State Of U.P. on 1 May, 2025

**Author: Samit Gopal**

**Bench: Samit Gopal**

HIGH COURT OF JUDICATURE AT ALLAHABAD

?Neutral Citation No. - 2025:AHC:68733

Court No. - 64

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 4793 of 2025

Applicant :- Ran Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunil Kumar Yadav

Counsel for Opposite Party :- G.A., Ram Mohan

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Sri Sunil Kumar Yadav, learned counsel for the applicant, Sri Ram Mohan, learned counsel for the first informant, Sri Birendra Pratap Singh, learned counsel for the State and perused the material on record.

3. This bail application under Section 483 BNSS has been filed by the applicant-Ran Singh, seeking enlargement on bail during trial in connection with Case Crime No.99 of 2024, under Sections 191 (2), 191(3), 190, 333, 115(2), 352, 351(3), 109, 324 (2), 103(1) BNS, registered at P.S.Jasrathpur, District Etah.

4. The FIR of the matter was lodged on 7.9.2024 by Amit Kumar against the applicant and ten other named persons alleging therein that on 5.9.2024 at about 7 p.m. police had come in the village for service of summons in a case titled as Anshu Vs. Raju. After police went back, Mukesh Kumar armed with an axe, Surajpal armed with iron rod, Balbir @ Bhurey armed with country-made pistol, Ran Singh (applicant) and Monu armed with lathi and danda, Raju armed with an axe, Vijendra armed with bhala, Harish Chandra armed with lathi, Raj Kumar and Shiv Raj armed with iron rod, Devendra @ Awadhesh armed with his licensee revolver together came to the house of the informant and started maar-peet with them and abused them. Devendra @ Awadhesh Yadav then exhorted for murder on which Mukesh and Raju with their axe, assaulted Ishwar Dayal, the father of the first informant on his head due to which he received injuries on his fore-head and nose who then fell on the ground while suffering bleeding. Then Rajwati, the mother of the informant in order to save him reached there on which all the accused persons assaulted her with lathi and danda due to which she received many injuries on her body. The accused persons then entered in the house and committed maar-peet with the informant and vandalised the belongings and thus loss was suffered. They fired on the doors. On hearing the sound of shrieks, Indu Devi, the wife of the informant, Anshu, the wife of the brother of the informant along with Golu of the village and other persons reached there and saved them. Police on 112 was then informed. His father in an injured condition was taken to the hospital where the doctors found him critical and referred to District Hospital from where he was referred to Medical College where he is critical. A report be lodged and action be taken. The FIR was then lodged under Sections 191 (2), 191(3), 190, 333, 115(2), 352, 351(3), 109, 324 (2) BNS and Section 3(2)(v) SC/ST Act.

5. Learned counsel for the applicant submitted that the applicant has been falsely implicated in the present case. It is submitted that the deceased Ishwar Dayal was admitted on 6.9.2024 at Jawaharlal Nehru Medical College, Aligarh where he died wherein in his postmortem report the doctor found two abrasions, one sutured wound and blood clots present in both frontal lobe of brain. The cause of death was opined coma due to ante-mortem head injury. He died in JNMC, Aligarh on 12.9.2024 at 3.48 p.m. In so far as Smt. Rajwati is concerned, she did not receive any injury on her body due to which her medical examination was not conducted. While placing para no.17 of the affidavit in support of bail application and annexure no.10 being parcha no.39 dated 1.12.2024 of the case diary to substantiate the same. As per the FIR, the applicant is stated to be armed with lathi/danda but the assault on the deceased Ishwar Dayal is stated to be done by Mukesh and Raju. It is submitted that general and omnibus allegations have been levelled against the applicant. The case of the applicant is distinguishable with that of co-accused Mukesh and Raju. It has also been pointed out that the applicant is not having any criminal history as stated in para 22 of the affidavit. The applicant is in jail since 8.9.2024.

6. Per contra learned for the first informant and learned counsel for the State opposed the prayer for bail and argued that the applicant is named in the FIR. He had gone with the accused persons who had assaulted the deceased. The fact that Smt. Rajwati was not medically examined is not disputed by learned counsels for the first informant and State.

7. After hearing the counsel for the parties and perusing the record, it is evident that the role assigned to the applicant is of having lathi/danda with him along with co-accused Monu. The

deceased has been stated to be assaulted by co-accused Mukesh and Raju whose case is distinguishable with that of the applicant. Rajwati, the mother of the first informant was not medically examined. Thus the applicant is not assigned any overt-act.

8. Looking to the facts and circumstances of this case, the nature of evidence and also the absence of any convincing material to indicate the possibility of tampering with the evidence, this Court is of the view that the applicant may be enlarged on bail.

9. Let the applicant-Ran Singh, be released on bail in the aforesaid case crime number on furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions which are being imposed in the interest of justice:-

i) The applicant will not tamper with prosecution evidence and will not harm or harass the victim/complainant in any manner whatsoever.

ii) The applicant will abide the orders of court, will attend the court on every date and will not delay the disposal of trial in any manner whatsoever.

(iii) The applicant shall file an undertaking to the effect that she/he shall not seek any adjournment on the date 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.

(iv) The applicant will not misuse the liberty of bail in any manner whatsoever. In case, the applicant misuses the liberty of bail during trial and in order to secure her/him presence proclamation under section 84 BNSS, 2023 may be issued and if applicant fails to appear before the court on the date fixed in such proclamation, then, the trial court shall initiate proceedings against her/him, in accordance with law, under section 209 BNS, 2023.

(v) The applicant shall remain present, in person, before the trial court on dates fixed for (1) opening of the case, (2) framing of charge and (3) recording of statement under Section 351 BNSS, 2023. If in the opinion of the trial court absence of the applicant is deliberate or without sufficient cause, then it shall be open for the trial court to treat such default as abuse of liberty of bail and proceed against her/him in accordance with law and the trial court may proceed against her/him under Section 269 BNS, 2023.

(vi) The trial court may make all possible efforts/endeavour and try to conclude the trial expeditiously after the release of the applicant.

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

12. The bail application is allowed.

13. Pending application(s), if any, shall stand disposed of.

(Samit Gopal, J.) Order Date :- 1.5.2025 Gaurav Kuls