

Court No. - 70

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 2357 of 2023

Applicant :- Ramji @ Brijesh Kumar

Opposite Party :- State of U.P.

Counsel for Applicant :- Dileep Singh Yadav, Ajay Kumar Srivastava, Arvind Kumar Saxena, Pankaj Kumar Mishra, Satyendra Narayan Singh, Swati Agrawal Srivastava

Counsel for Opposite Party :- G.A.

Hon'ble Sameer Jain, J.

1. Supplementary affidavit filed today on behalf of the applicant is taken on record.
2. Heard Sri Ajay Kumar Srivastava, learned counsel for the applicant and Sri Ram Narayan Srivastava, learned AGA for the State.
3. The instant bail application has been filed seeking release of the applicant on bail in Case Crime No. 450 of 2021, under Sections 498A, 304B, 323, 504, 506, 120B IPC and Section 3/4 D.P. Act, Police Station Bidhuna, District Auraiya during pendency of the trial.
4. FIR of the present case was lodged against the applicant and his family members and according to the FIR marriage of the applicant was performed with the daughter of the informant on 20.01.2015 and after marriage applicant and his family members tortured the deceased for demand of Bike and golden chain and on 01.09.2021 applicant and his family members committed her murder.
5. Learned counsel for the applicant submitted that entire allegation made against the applicant is totally false and only being husband of the deceased, applicant has been made accused in the present matter.
6. He further submits that according to the post mortem report deceased died due to throttling but in fact it is a case of suicide and even informant of the case and other prosecution when appeared

before the trial court then they have declared hostile and they have stated that deceased committed suicide. He further submits that applicant is not having any criminal history and in the present matter he is in jail since 24.04.2022 i.e. for more than one and half years.

7. Per contra, learned AGA opposed the prayer for bail and submits that applicant is husband of the deceased and his wife died due to throttling within seven years of her marriage and there was allegation of demand of dowry and applicant failed to explain the homicidal death of his wife, therefore, he should not be released on bail.

8. I have heard learned counsel for the parties and perused the record of the case.

9. Considering the fact that applicant is husband of the deceased and his wife died due to throttling and it appears to be a case of homicidal death and applicant failed to explain the homicidal death of his wife, in my view, applicant is not entitled to be released on bail.

10. Accordingly, the instant bail application is rejected.

11. It is clarified that the observations made herein are limited to the facts brought in by the parties pertaining to the disposal of bail application and the said observations shall have no bearing on the merits of the case during trial.

Order Date :- 7.11.2023
AK Pandey