

Neutral Citation No. - 2023:AHC:205856

RESERVED ON- 16.10.2023

DELIVERED ON- 26.10.2023

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 5977 of 2022

Applicant :- Mohar Singh @ Mor Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Sunita Chauhan,Dev Raj Singh

Counsel for Opposite Party :- G.A.,Mohammad Abid Ali

Hon'ble Siddharth,J.

Heard Sri Jalaj Tripathi, Advocate holding brief of Ms. Sunita Chauhan , learned counsel for the applicant; Sri Mohammad Faiz, Advocate holding brief of Sri Mohammad Abid Ali, learned counsel for the informant as well as the learned AGA for the State and perused the material placed on record.

The instant bail application has been filed on behalf of the applicant, Mohar Singh @ Mor Singh, with a prayer to release him on bail in **Case Crime No. 182 of 2021, under Sections 307,302,506,120-B,34 IPC, Police Station Cantt., District- Bareilly**, during pendency of trial.

There is allegation in the First Information Report that brother of the informant, Ishaq Ali, had won the election. The applicant and co-accused,Ratan Lal, were rival candidates, who had lost the election and were threatening the deceased of life. On 20.5.2021 when the deceased alongwith his wife was returning from the city to the village,the applicant and four named co-accused,

Anurag, , Bhagwat Patel, Ratan Lal and Rahul caused indiscriminate firing on the deceased and he died on the spot his wife was struggling for life .The father of the informant, Istiyaq Ali and Hasan Asgar, who were working in the field saw the accused persons running from the scene of the incident.

Learned counsel for the applicant has submitted that co-accused, Rahul and Bhagwat Patel, have already been enlarged on bail and as per First Information Report general role has been assigned to all the accused persons, hence applicant is also entitled to be enlarged on bail. He has submitted that applicant has criminal history of six cases explained in paragraph-3 of the supplementary affidavit. He is in jail since 27.5.2021 Hence applicant may be directed to be enlarged on bail.

This court has called the status report from the trial court and from the status report dated 9.8.2023 it appears that on 8.8.2023 statement of P.W.10, inspector, Rajiv Kumar Singh was recorded .Thereafter it appears that trial is on the verge of conclusion. In the First Information Report and in the statement of injured clear motive has been assigned to the applicant and co-accused, Ratan Lal. It does not appear that co-accused, Ratan Lal is on bail.

Learned counsel for the informant and learned AGA have vehemently opposed the prayer for bail of the applicant.

This Court after hearing the learned counsels for the parties does not finds any ground for enlarging the applicant on bail at this stage.

The bail application is accordingly rejected.

The court below is directed to conclude the trial against the applicant, as expeditiously as possible, preferably within a period of six months from the date of production of certified copy of this order.

Order Date :- 26.10.2023

Atul kr. sri.