

**Neutral Citation No. - 2023:AHC:208906**

**Reserved On:- 30.10.2023**

**Delivered On:- 01.11.2023**

**Case :- CRIMINAL MISC. BAIL APPLICATION No. - 10071 of 2023**

**Applicant :- Shivgopal @ Raja**

**Opposite Party :- State of U.P.**

**Counsel for Applicant :- Manvendra Singh**

**Counsel for Opposite Party :- G.A., Raksha Chauhan, Upendra Kumar Singh**

**Hon'ble Siddharth, J.**

1. Heard Sri Manvendra Singh, learned counsel for the applicant; Sri Upendra Kumar Singh, learned counsel for the informant; learned AGA for the State and perused the material placed on record.
2. The instant bail application has been filed on behalf of the applicant, Shivgopal @ Raja, with a prayer to release him on bail in Case Crime No. 05 of 2022, under Sections- 460, 411, 413, 414 IPC, Police Station- Kotwali, District- Fatehpur.
3. There is allegation in the FIR that on 12.01.2022 between 01:00 to 03:00 a.m in the night, unknown persons came on the upper floor of the home of informant where the wife of children of the informant were sleeping in a room. Younger brother of the informant was also sleeping in another small room. Father was sleeping in the verandah. Miscreants bolted the rooms from outside. They broke the latches and locks of the stairs and also two iron almirahs. They looted ornaments of about Rs. 15 lakhs and cash amount of Rs. 1.5 lakhs. The father of the informant got

awake and therefore the miscreants crushed him by bricks and caused his death.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. He was neither named nor had any concern with the alleged offence. He has been implicated in this case because of his criminal history of 10 cases explained in the affidavit in support the bail application. He has submitted that the goods recovered from the applicant are not connected to the present offence.

5. Counsel for the informant and learned A.G.A have vehemently opposed the bail application. They have submitted that the goods recovered from the applicant clearly prove his involvement in the present case. It cannot be said that jewellery recovered can be planted by anyone. He has further submitted that the applicant is having long criminal history like the other co-accused. He is not entitled to be enlarged on bail.

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

7. The bail application is accordingly, rejected.

8. The trial court is directed to conclude the trial against the applicant as expeditiously as possible, preferable within a period of one year from the date of production of certified copy of this order.

**Order Date :- 01.11.2023**

Rohit