

Court No. - 84

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 20770 of 2023

Applicant :- Narendra Singh

Opposite Party :- State of U.P.

Counsel for Applicant :- Ashok Kumar Singh, Saurabh Singh

Counsel for Opposite Party :- G.A.

Hon'ble Mrs. Sadhna Rani (Thakur), J.

Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.

This is the second bail application of the applicant whereby the prayer is made to release the applicant on bail in S.T. No. 559 of 2017, case crime no. 383 of 2017, under sections 498-A, 304-B, and 302 I.P.C. and section 3/4 D.P. Act, police station Hata District Kushi Nagar.

Admittedly, the first bail application of the applicant was rejected by this court on merit on 12.9.2022. Learned counsel for the applicant argued on three grounds to release the applicant on bail; firstly, that one year has been passed since 12.9.2022 and the applicant is languishing in jail since 1.9.2017, secondly, vide order dated 12.9.2022, the trial court was directed to expedite the hearing of the trial of the applicant and conclude the same preferably within a period of one year from the date of production of the certified copy of the order but the trial has not been concluded till date. Thirdly, the first informant as P.W.-1 and the sister of the deceased as P.W.-2 have verbatim reiterated the version of the FIR in their statements. Admittedly, both of them were not present on spot at the time of the incident, hence, the prayer is made accordingly.

Learned A.G.A. opposed the prayer.

The long incarceration of the applicant in jail since 1.9.2017 cannot be a ground for bail for the main accused of section 304-B I.P.C. When the order dated 12.9.2022 was supplied to the trial court the date is not before the court. So it cannot be concluded that the order dated 12.9.2022 has not been complied with by the trial court.

It is admitted fact that both the witnesses P.W.- 1 and 2 have supported the version of the FIR in their statements, so supporting the version of the FIR in their statements by the witnesses does not entitle the applicant for bail.

Thus, the second bail application of the applicant has no merit and is liable to be rejected.

It is hereby rejected.

Order Date :- 16.10.2023

Gss