

Court No. - 85

Case :- CRIMINAL MISC. BAIL APPLICATION No. - 22970 of 2023

Applicant :- Brajesh Yadav

Opposite Party :- State of U.P.

Counsel for Applicant :- Karunesh Pratap Singh

Counsel for Opposite Party :- G.A.,Rakesh Prasad,Sanjay Kumar

Hon'ble Mayank Kumar Jain,J.

1. Heard learned counsel for the applicant, learned A.G.A. for the State and perused the record.
2. The present second bail application has been filed on behalf of applicant in Case Crime No. 438 of 2021, under Sections 364, 302, 201, 120-B of IPC, Police Station Cant., District Varanasi with the prayer to enlarge the applicant on bail. First bail application was rejected by this Court vide order dated 12.01.2023 in Criminal Misc. Bail Application No. 2798 of 2022.
3. It has been submitted by learned counsel for the applicant that applicant is innocent and he has been falsely implicated in the present case. It is further submitted that there was an allegation against the applicant that he was attesting witness of the gift deed while no property was transferred to him and he has not been beneficiary of such property in anyway. It is further submitted that during his statement of .P.W.-1/informant had stated that he did not know the applicant. It is next submitted that the applicant did not get any property in his favour from the deceased. It is further submitted that in the cross examination, P.W.2-Manoj Kumar Singh also did not identify the applicant. The applicant is languishing in jail since 20.09.2021 and that in case he is released on bail, he will not misuse the liberty of bail and will cooperate in trial.
4. Per contra, the learned Additional Government Advocate and learned counsel for the informant have opposed the prayer for grant of bail and submitted that the case of the prosecution is to be examined in the entirety and the applicant was also involved in the incident. Learned counsel for the informant further submitted that during investigation, the applicant used Mobile bearing mobile no. 8090159982 for conversation with main accused, Rajesh Kumar

Chauhan for 64 times. It is next submitted that co-accused, Rajesh Kumar Chauhan has stated in his statement that a total amount of Rs.14,25,000/- were spent on stamp and other expenses, which were arranged by other persons including the present applicant.

5. Considering the entire facts and circumstances of the case, submissions of learned counsel for the parties, nature of evidence and gravity of the offence, without expressing any opinion on merits of the case, the Court is of the view that the applicant is not entitled for the bail, therefore, the bail application is **rejected**.

6. Any observation made above shall not be treated as any finding on the merit and shall not prejudice the trial.

Order Date :- 18.10.2023

Shivangi